

# Presidential Elections in the United States: A Primer

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## Summary

Every four years, Americans elect a President and Vice President, thereby choosing both national leaders and a course of public policy. The system that governs the election of the President combines constitutional and statutory requirements, rules of the national and state political parties, political traditions, and contemporary developments and practices.

As initially prescribed by the Constitution, the election of the President was left to electors chosen by the states. Final authority for selecting the President still rests with the electoral college, which comprises electors from each state equal in number to the state's total representation in the House and Senate. All but two states award electoral votes on a winner-take-all basis to the candidate with a plurality of the state's popular vote.

The process of electing the President is essentially divided into four stages: (1) the prenomination phase, in which candidates compete in state primary elections and caucuses for delegates to the national party conventions; (2) the national conventions—held in the summer of the election year—in which the two major parties nominate candidates for President and Vice President and ratify a platform of the parties' policy positions and goals; (3) the general election campaign, in which the major party nominees, as well as any minor party or independent contenders, compete for votes from the entire electorate, culminating in the popular vote on election day in November; and (4) the electoral college phase, in which the President and Vice President are officially elected.

Presidential elections in recent years differ in several important respects from those held earlier in American history. The first is the far wider participation of voters today in determining who the party nominees will be; the political parties have in recent years given a much greater role to party voters in the states (in lieu of party leaders) in determining the nominees. The second difference involves the role of the electronic media and, most recently, the Internet, both in conveying information to the voters, and shaping the course of the campaign. Third, the financing of presidential campaigns is substantially governed by a system of public funding in the pre-nomination, convention, and general election phases, enacted in the 1970s in response to increasing campaign costs in an electronic age and the concomitant fundraising pressures on candidates. Thus, contemporary presidential elections blend both traditional aspects of law and practice and contemporary aspects of a larger, more complex, and more technologically advanced society.

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## Abstract

This report describes the four stages of the presidential election process: the pre-nomination primaries and caucuses for selecting delegates to the national conventions; the national nominating conventions; the general election; and voting by members of the electoral college to choose the President and Vice President. The report will be updated again for the 2004 presidential election.

## Presidential Elections in the United States: A Primer

This report explains the presidential election process in the United States. It provides general information about Presidential candidates and their campaigns and it reviews the laws, activities, and customs that govern each of the four stages of the process—the primary campaign, the national nominating conventions, the general election, and the electoral college.

Chapter one discusses the candidates themselves—their qualifications for office, the procedure for gaining ballot access, the stages of their campaigns, and the protection accorded them by the federal government.

Chapter two focuses on the nomination process, describing the evolution of the current system of primaries and caucuses, the basic structure, methods and rules governing selection of delegates to the nominating conventions, and the major characteristics of the contemporary process.

Chapter three examines the national party conventions, including both their evolution and traditions, and contemporary structure and procedures.

Chapter four focuses on the general election campaign, from the Labor Day “kickoff” to November election day. It offers general comments on widely used campaign methods during this period, examines the important role played by television—through advertising, news coverage, and debates—and provides information on election day itself (how it was selected, polling hours in the states, etc.).

Chapter five provides information on the electoral college, the process by which the President and Vice President are officially elected. It follows the steps in the process of convening the electors and counting their votes, and offers information on past discrepancies between electoral and popular vote leaders. It also discusses possible scenarios for contingent election, in which no candidate receives an electoral majority or when a candidate dies at some stage of the process.

One aspect of the process not examined in this discussion is treated in a companion CRS report on the funding of presidential elections, in particular the system of public financing available since 1976. See CRS Report RS20133, *The Presidential Election Campaign Fund and Tax Checkoff: Background and Current Issues*.

## I. Presidential Candidates

### Qualifications for the Office of President

Article II, Section 1 of the Constitution specifies that, to be President or Vice President, a person must be a natural-born citizen of the United States, at least 35 years of age, and a resident of the

United States for at least 14 years.<sup>1</sup> Most constitutional scholars interpret this language as including citizens born outside the United States to parents who are U.S. citizens under the “natural born” requirement.<sup>2</sup> Under the 22<sup>nd</sup> Amendment, no one may serve more than two full terms, although a Vice President who succeeds to the Presidency and serves less than two full years of the prior incumbent’s term may seek election to two additional terms.

## **Prior Occupations of Presidents**

American voters have chosen men of varied backgrounds on the 53 occasions they have gone to the polls to elect a President. All 41 Presidents served the country previously either in government or the military. Of the 24 Presidents who served prior to 1900, seven had been Vice Presidents (three of whom were elected to the Presidency, while four succeeded a deceased incumbent), four were Members of Congress, four were governors, and nine previously held an appointive federal position.

The trend in 20<sup>th</sup> century presidential elections has favored former Vice Presidents, Governors, and Senators. Of 17 20<sup>th</sup> century Presidents, several served in more than one of these positions. At the time of their inauguration, one (Eisenhower) had served as a career Army officer; two (Taft and Hoover) had most recently served as cabinet officers; five (Wilson, F.D. Roosevelt, Carter, Reagan, and Clinton) as governors; two (Harding and Kennedy) were Senators; and seven were Vice Presidents. Five of the seven Vice Presidents (T. Roosevelt, Coolidge, Truman, Johnson, and Ford) succeeded on the death or resignation of the incumbent; two Vice Presidents were elected—one (Nixon) as a former and one (Bush) as an incumbent.

## **The Candidate Field**

Before the primaries and conventions, the candidates determine the presidential field. The decline of party leader dominance over the nominating process has resulted in a system whereby self-selected candidates compete in the states for the delegates needed for nomination. The democratization of the nominating process has meant that many candidates enter the race, begin raising money, and organize for the primaries and caucuses well before the election year in order to be competitive.

According to the Federal Election Commission, 203 individuals had filed statements of candidacy or had committees file statements of organization for the 2000 presidential election as of January 31, 2000. Just 33 of these individuals had met the Federal Election Campaign Act’s (FECA) criteria for candidacies subject to federal election laws, *i.e.*, raising contributions or making expenditures in excess of \$5,000 [2 U.S.C. §431(2)]. In reality, only a small number of these are considered by the media as serious candidates seeking the nomination of the two major parties.

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<sup>1</sup> Defined as including the 50 states and the District of Columbia.

<sup>2</sup> Citizens born in Guam, Puerto Rico, and the U.S. Virgin Islands are legally defined as “natural born” citizens, and are, therefore, also eligible to be elected President, provided they meet qualifications of age and 14 years residence within the United States. Residence in Puerto Rico and U.S. territories and possessions does not qualify as residence within the United States for these purposes. [U.S. Library of Congress, Congressional Research Service, *U.S. Insular Areas and Their Political Development*, by Andorra Bruno and Garrine P. Laney, CRS Report 96-578GOV (Washington: Jun. 17, 1996), pp. 9, 21, 33].

## **Exploratory Candidacies—Testing the Waters**

The formal announcement of candidacy is often preceded by a period in which candidates “test the waters” as unannounced candidates for nomination; this may begin several years before the convention. Likely candidates may form exploratory committees to gauge popular support and to begin developing a base of supporters and contributors, while avoiding some of the legal requirements (such as contribution limits and disclosure of receipts and disbursements) of the FECA. As unofficial candidates who are not technically campaigning for office, persons may raise and spend unlimited amounts of money without registering as candidates with the Federal Election Commission (FEC). Upon declaration of candidacy, however, the individual must register with the FEC and report all financial activity while testing the waters; these amounts become retroactively subject to all FECA regulations.

## **Announcement of Candidacy**

An individual must file a statement of candidacy with the FEC within 15 days of reaching the law’s financial threshold (*i.e.*, \$5,000 in receipts or expenditures), and must name a principal campaign committee to receive contributions and make expenditures. This committee must file a statement of organization with the FEC within ten days after being designated; the statement must identify the committee’s title (which includes the candidate’s name), the treasurer, bank depositories, and any other committees the candidate has authorized to raise or spend on his or her behalf. Such other committees which the candidate authorizes may raise and spend funds, but they must report such activity through the principal committee.

The timing of the formal announcement is crucial because of its political impact, and also because of the legal and tactical implications. Once a public declaration of candidacy is made, candidates are subject to state and national spending limits if they qualify for and choose to accept public matching funds, and they are subject to the broadcasting provisions of the equal-time rule (47 U.S.C. 315(a)).

Nominations today are usually won during the primary campaign rather than at the convention, and primaries have proliferated and been scheduled earlier in the election year. Because of these developments, competitors are pressed to announce their candidacies much earlier than in years past. Whereas in 1932, Franklin Roosevelt formally announced for the Presidency 156 days before the convention, Michael Dukakis formally announced his candidacy 446 days prior to the 1988 Democratic National Convention. The trend toward earlier, longer campaigns is a hallmark of modern presidential elections.

## **Qualifying for the Primaries and Caucuses**

The guidelines that candidates follow to qualify for primaries and caucuses differ from state to state. In primary states, the Secretary of State (or other chief elections officer) is the authority for listing candidate names on the ballot; in caucus states, the parties oversee the procedures for candidates to gain ballot access (they do not always have to file to be eligible for delegates in caucus states, however).

Candidates generally file a statement of candidacy with the Secretary of State or the party chair at the state level. In some primary states, the Secretary of State may automatically certify for the ballot the names of all major party candidates, those submitted by the party, candidates who have qualified in other states, or candidates who have applied with the FEC or are eligible for federal matching funds. Presidential candidates may also be required to pay a filing fee, submit petitions,



or both. Signatures may be required from a requisite number of voters in each congressional district or from a requisite number of voters statewide.

## **Party Nominations**

The primary season gradually reduces the field of major party candidates. The accelerated pace of the present system winnows out those who fall short of expectations, and hence, find it difficult to raise the money needed to sustain their candidacies. Furthermore, the reforms of the past 30 years have changed the dynamics of the nominating process by closely tying the allocation of delegates to electoral performance. The days when a candidate could compete in a select number of primaries to demonstrate popular appeal have passed: the nomination goes to the candidate who has amassed a majority of delegates in the primaries and caucuses. Party conventions have largely become ratifying bodies that confer the nomination on the candidate who won it in state contests. The 1976 Republican National Convention was the most recent one at which the determination of a major party's nominee was in any real doubt before the nominating ballots were cast.

## **The General Election Ballot**

The names of the major party nominees for President and Vice President are automatically placed on the general election ballot. Some states also list the names of presidential electors adjacent to the presidential and vice presidential candidates whom they support. Voters mark their ballots once for a party's presidential and vice presidential ticket; electors also cast a single vote in the electoral college for the party ticket. Minor party and independent candidates are also listed on the ballot, if they qualify according to provisions of the state codes, and several such candidates are usually on the ballot in different states.

## **Secret Service Protection <sup>3</sup>**

In the aftermath of the 1968 assassination of Senator Robert Kennedy while he was seeking the Democratic presidential nomination, Congress passed legislation which, for the first time, authorized Secret Service protection of presidential and vice presidential candidates.<sup>4</sup> The law made the Secretary of the Treasury responsible for determining which major candidates are eligible for protection, after consultation with a bipartisan advisory committee comprised of the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House of Representatives, and one additional member to be chosen by the committee. (Spouses of such candidates are also entitled to protection, within 120 days of the general election.) On occasion, candidates have declined protection offered to them.

While the law provides protection for major party presidential and vice presidential nominees in the general election, it does not specify the criteria for determining major candidates in the primary season. However, criteria and standards in the advisory committee's guidelines specify that an eligible individual: (1) is a publicly declared candidate; (2) is actively campaigning nationally and is contesting at least 10 state primaries; (3) is pursuing the nomination of a qualified party (*i.e.*, whose presidential candidate received at least 10% of the popular vote in the prior election); (4) has qualified for public matching funds of at least \$100,000, and has raised at least \$2 million in additional contributions; and (5) as of April 1 of the election year, has received

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<sup>3</sup> Frederick Kaiser, Specialist in American National Government, in the CRS Government & Finance Division assisted in preparation of this section.

<sup>4</sup> P.L. 90-331; 18 U.S.C. §3056.

at least an average of five percent in individual candidate preferences in the most recent national opinion polls by ABC, CBS, NBC, and CNN, or has received at least 10% of the votes cast for all candidates in two same-day or consecutive primaries or caucuses.<sup>5</sup> Notwithstanding this, the Secretary of the Treasury, after consultation with the advisory committee, may provide protection for a candidate even if all of the conditions of the guidelines have not been met.

Secret Service protection for primary candidates generally begins shortly after January 1 of the election year. On occasion, the Secretary of the Treasury has accorded protection to certain candidates earlier than the election year.

## **II. The Nomination Process**

Primaries and caucuses are the initial testing ground for the next President. The primary season plays an essential role in presidential elections by narrowing the field of major party candidates. The nomination is conferred on the candidate who holds a majority of delegates at the party convention, but under the present system for choosing delegates one candidate is likely to emerge with a majority by the end of the primary season, if not sooner, and well before the convention meets.

### **The Development of the Nominating System**

The emergence of the national nominating convention in 1831, in place of the congressional caucus method of choosing nominees, gave the political parties a more democratic means of bestowing nominations, based more closely on popular sentiment. (See Chapter III for detailed information on national nominating conventions.)

#### **Early Delegate Selection Methods**

Delegates to the early conventions were either appointed by a party leader or were chosen under a party-run caucus system. While both methods involved more participants than the congressional caucus, in reality they merely shifted control of nominations to the state party leadership, which usually controlled the state's entire delegation. Delegates were chosen in this manner until the beginning of the 20<sup>th</sup> century when members of the Progressive Party, whose aim was to reform the structure and processes of government, introduced an innovative device called the primary.

#### **Emergence of the Primary**

In 1904, Florida became the first state to adopt the primary as a means of choosing delegates to the nominating conventions, and many states followed within the decade. By 1916, 20 Democratic and Republican parties selected delegates in primaries. The primary took democratization of the nominating process a step further by enabling party members to choose the delegates. It was the first large-scale innovation in the process since the introduction of the party convention about 80 years earlier.

Hailed as a triumph of democracy upon its debut, the primary failed to attract many voters, and, in the first half of this century, it never became the principal route to the nomination. In 1912, Theodore Roosevelt won nine of 13 Republican primaries, but his name was not even placed in nomination at the Republican Convention (which instead re-nominated incumbent William

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<sup>5</sup> Advisory Committee Guidelines for Assignment of Secret Service Protection to Presidential Candidates. U.S. Department of the Treasury, Washington, 2000.

Howard Taft, who had won only one primary, but whose forces controlled the party's National Committee).

The primary movement made little progress in the years following the first World War, and some states abandoned it as the method for choosing delegates. The number of state party primaries in which delegates were chosen stood at around 14 for the next four decades.

Many candidates avoided primaries altogether or ran in a select few, simply to demonstrate their popular appeal. In 1952, Democratic contender Estes Kefauver entered and won 12 of 15 primaries held, only to see the convention turn to Adlai Stevenson, who had not entered any primaries. In 1960, John F. Kennedy demonstrated electability by winning a few selected primaries, but his delegate totals were amassed more by his cultivation of key party leaders and state delegations.

## **Reform and Revival of the Primary**

The violence that marred the 1968 Democratic Convention in Chicago underscored growing discontent in that party with the dominant role played by party leaders in the nomination of candidates. In response, the Democratic National Committee formed the "McGovern-Fraser Commission" to evaluate the delegate selection process and to recommend changes designed to make the system more responsive to rank-and-file party members. The Commission, in 1969, proposed a series of reforms that addressed most aspects of delegate selection, the principal aim of which was to increase popular participation and link it more directly to the selection of delegates. The National Committee accepted nearly all of the Commission's proposals, which were subsequently adopted by the state parties. Furthermore, some state legislatures, many of them under Democratic control, enacted statutes applicable to both parties which incorporated the Commission's recommendations.

The Commission recommended a series of sweeping changes that addressed nearly every major aspect of delegate selection. It established guidelines for translating public support for candidates into delegate votes and eliminated automatic *ex-officio* delegate slots by calling for the election of all of the delegates to the convention. Guidelines for equal representation of women and minorities were adopted, and devices that vested considerable power in the party leadership (*e.g.*, proxy voting, the unit rule, etc.) were eliminated. The McGovern-Fraser recommendations, as subsequently modified, changed the process for the Democrats, and had an impact as well on the system used by the Republicans, who made changes to respond to perceived public pressure for greater democratization.

Perhaps the principal effect of the reform movement was the revitalization of the primary in determining the choice of party nominees: it was viewed as the most suitable method for encouraging broad participation. In 1968, 37.5% of Democratic delegates were chosen in 17 primary states; the 16 Republican primary states that year sent 34.3% of the delegates to that party's convention. By 1976, the Democrats held primaries in 30 states which selected 72.6% of the delegates, while the Republicans chose 67.9% of their delegates in 28 primary states. The percentage of delegates chosen in states holding primaries has been higher in recent cycles. Under the present schedule for 2000, 85.2% of Democratic delegates (in 38 states and the District of Columbia) and 90.1% of Republican delegates (in 41 states and the District of Columbia) will be selected in states holding primaries.

The resurgence of the primary was accompanied by changes in other aspects of the political landscape which reinforced the importance of primary elections. The media became a full-fledged participant in the nominating process through their extensive coverage of primaries and their role in publicizing primary results. Candidates are now likely to pick and choose which primaries to

contest because delegates are at stake in virtually all of them. Early primaries are especially vigorously contested, particularly by lesser known candidates who seek to gain crucial media coverage and establish campaign momentum; the pace of the entire season has quickened. The nominating process in the post-1968 era thus focused attention once again on the primaries, where nominations today are won or lost.

## **Assignment and Categorization of Delegates by the National Parties**

### **Allocation of Delegates to the States and Other Jurisdictions**

Each party has its own method for assigning delegates (and alternates) to the different states and jurisdictions.

#### ***Democrats***

The Democratic Party allocates delegates and alternates according to a formula based on population, as measured by electoral college strength and past levels of voting for Democratic presidential candidates in the general election. The Democratic National Committee also awards delegates and alternates to five jurisdictions for which the allocation factor cannot be computed because they do not participate in the presidential election—American Samoa, Democrats Abroad, Guam, Puerto Rico, and the Virgin Islands. Furthermore, the party assigns additional delegate slots for party leaders, former distinguished elected officials, and the entire Democratic membership of the U.S. Senate and House of Representatives.

#### ***Republicans***

The Republican allocation system assigns three delegates per congressional district and six delegates at-large for every state. It also assigns bonus delegates based on the state's Republican vote in the previous election for President, U.S. Senate, U.S. House of Representatives, and Governor. Delegates to the convention for other jurisdictions are assigned by the Republican National Committee.

### **Categories of Delegates**

#### ***Democrats***

The Democratic Party has two basic types of delegates, grouped by whether or not they are pledged to support a particular candidate. Furthermore, there are three categories of pledged delegates (which comprise the majority of delegates to the convention) and four categories of unpledged delegates.

#### ***Pledged delegates***

The allocation formula determines only the number of delegates in the pledged categories:

- District-level base delegates;
- At-large base delegates; and
- Pledged party and elected official delegates.

Of the number of delegates assigned to a state according to the allocation formula, 75 % are assigned at the district level and 25 % are designated at-large. Although district-level and at-large delegates are allocated in the same manner, they are chosen separately at different stages of the process.

Pledged party and elected official delegates represent a 15% addition to the base number of allocated delegates. They are usually chosen in the same manner as the at-large delegates.

### *Unpledged Delegates*

The number of unpledged delegates for a state depends on the number of individuals available in each specified category. Delegate slots are allocated for:

- Former Democratic Presidents and Vice Presidents, former Democratic Majority Leaders of the U.S. Senate, former Democratic Speakers of the U.S. House of Representatives, and all former Chairs of the Democratic National Committee;
- Democratic Governors;
- Members of the Democratic National Committee (DNC), including the State chairs and vice chairs and officers of the DNC; and
- All Democratic Members of the U.S. Senate and House of Representatives.

### *Republicans*

Aside from three congressional district delegates and six at-large delegates assigned to each state under Republican allocation rules, a number of bonus delegates may be awarded for the at-large category as well.

Four and one-half at-large bonus delegates are assigned to each state which cast its electoral votes for the Republican nominee in the previous election. One bonus delegate is allocated to each State in which a Republican was elected to the Senate or the Governorship between the last and the upcoming presidential election. One bonus delegate is also allocated to states in which half the delegation to the House of Representatives is Republican. (In 1996, 15 at-large delegates have been allocated to the District of Columbia, Puerto Rico has been allocated 14 at-large delegates, and four delegates have been allocated each to Guam and the Virgin Islands.)

The national party also awards bonus delegates to states where the primary or caucus is held after mid-March of the election year. In states where the primary or caucus is scheduled between March 15 and April 14, a 5% increase to the national convention delegation is awarded; a 7½% increase is awarded to state parties with contests scheduled between April 15 and May 14; and, a 10% increase is awarded to states where the primary or caucus is held between May 15 and the third Tuesday in June.

State parties have considerable flexibility to determine the means of electing or choosing the district and at-large delegates, according to national party rules.

## **Delegate Selection Structure**

Under the present system for choosing presidential nominees, state parties use two main electoral devices: the primary and the caucus/convention system. State parties combine the two in a variety of ways to choose delegates to the national conventions and the resulting mix of methods accounts for the complexity that characterizes the presidential nominating process. Furthermore, the timing of delegate selection events is determined by either the state legislatures or the state

parties, depending on which electoral method is used. Primary dates are usually determined by the legislatures, while caucus events are scheduled by the state's political parties. In large part, this divided authority concerning the choice of method and the timing of delegate selection events explains and perpetuates the inherent complexity of the nominating system.

## **The Present Mixed System of Presidential Nomination Events**

### ***Primaries***

A primary is a state-run election for the purpose of nominating party candidates to run in the general election. Presidential primaries perform this function in an indirect manner, because voters elect delegates to a national convention rather than directly selecting presidential candidates.

Most states restrict voting in a primary to party members; these are *closed primary* states. *Open primary* states allow the voter to choose either party's ballot in the voting booth on primary day; none of the open primary states require voter registration by party.

In 1992, more state parties selected delegates in a primary than ever before—34 Democratic and 37 Republican (out of the 50 states and the District of Columbia). In 2000, 39 Democratic and 42 Republican primaries are scheduled in the states and the District of Columbia.

### ***Caucuses and Conventions***

A caucus is a meeting of party members or leaders to select nominees for public office and to conduct other party business. In the presidential nominating process, it is often used in combination with a state convention to elect delegates to the national nominating convention.

The caucus/convention process is typically comprised of several tiers, beginning with broad-based meetings of rank-and-file party members, usually at the precinct level. Because of their cumbersome nature, precinct caucuses invariably attract fewer voters than do primaries. Participants must invest substantial time to attend a caucus, in contrast to voting in a primary, and participants usually register their support for a presidential candidate by public declaration (by a show of hands or by gathering in groups according to presidential preference). In some places, caucus participants may vote by ballot for presidential candidates, but, in any event, the process requires face-to-face contact with other participants that is not required when casting a ballot at a polling place.

Once the presidential preference vote is tallied, caucus participants elect representatives for their preference who attend the meeting convened as the next stage in the process. Precinct caucuses are usually followed by county or congressional district meetings, with a smaller number of representatives selected at each stage—based on support for them or the candidate they favor—to go on to the next level. Delegates to the national convention are finally chosen by the representatives to the congressional district caucus or the state convention, or both.

In 2000, both state parties in nine states will select delegates using the caucus process; Democrats scheduled caucuses in three additional states.

### ***Choice of Device for Electing Delegates***

Because primaries are administered by the states, the guidelines and timing are determined by state law; however, a political party may opt out of the primary and select delegates in a caucus process instead. Not all states provide for a presidential primary, in which case both parties use



the caucus method and accordingly set their own rules and dates for caucus events. In many primary states, caucuses are a component of the process for choosing delegates as well, but the results of the primary are the crucial factor in determining the division of delegates.

## **Methods of Selecting Delegates**

The principal difference between the parties in choosing delegates is the Democratic Party's requirement that delegate candidates selected in primaries and caucuses state their presidential or uncommitted preference as a condition for election. The Republican Party does not require a declaration of preference and, consequently, Republican delegate selection is less uniform and more dependent upon the different approaches of the state parties.

### ***Democrats***

Under the present system, state Democratic parties use one of the following four methods to elect district delegates:

*Caucus/convention system.* This consists of one to four tiers. As a general rule, grassroots participation is at the first tier, at which representatives to the next tier are elected, and so on. Delegates and alternates are chosen at a district meeting, usually the second or third tier.

*Pre-primary caucus.* This nominates district delegates, who are subsequently elected on the basis of the vote for President in the primary.

*Post-primary caucus.* This is held after the primary to elect the number of delegates a presidential candidate has won on the basis of the primary vote.

*Two-part primary.* This requires that the voter mark the ballot for presidential preference and again for individual delegates within a preference.

District delegates declare a presidential preference or run as uncommitted in the primaries and caucuses. At-large and pledged party and elected official delegates also declare a presidential or uncommitted preference, but they are chosen by the state committee, a committee of elected district delegates, or by the state convention to reflect primary or caucus results.

### ***Republicans***

District delegates may be elected in a primary or may be selected by presidential candidates on the basis of the primary vote. They can be chosen in congressional district caucuses, or they may be combined with the at-large delegates and selected as a unit at the state convention.

At-large delegates may be elected by primary voters, chosen by presidential candidates according to the primary vote, selected by the state committee, or, as in most states, chosen at the state convention.

## **Timing of Delegate Selection Events**

With three exceptions, the Democratic Party restricts first-stage delegate selection events to the period between the first Tuesday in March and the second Tuesday in June. Party rules permit three states to hold delegate selection events prior to the first Tuesday in March: the Iowa Democratic Party may conduct its precinct caucuses 15 days earlier; the New Hampshire primary may be held seven days earlier; and the Maine first-tier caucuses may be held two days earlier. These exceptions honor traditional dates for holding primaries and caucuses in New Hampshire, Iowa and Maine that pre-dated the national party's rule that restricts delegate selection contests to

a specific period. For 2000, Iowa was given approval by the DNC to hold its caucuses even earlier, on January 24, and New Hampshire received approval to hold its primary on February 1. Maine Democrats no longer use a caucus process, but elect delegates in a primary (on March 7, 2000).

National rules for the Republican Party state only that participants in caucuses or conventions for the purpose of choosing national convention delegates shall not be elected prior to the official call for the convention. The Party issues the call prior to January 1 of the election year.

The timing of 2000 events appears in table 1, which presents the dates for state primaries and caucuses in chronological order, along with the number of delegates each state sent to the respective conventions.

**Table 1. 2000 Presidential Primaries and Caucuses, by Date**

| Date          | State              | Method <sup>a</sup><br>(Primary or Caucus) | Dems | Reps |
|---------------|--------------------|--|------|------|
| January 24    | Iowa               | Caucus                                     | 56   | 25   |
|               | Alaska (R)         | Caucus                                     | —    | 23   |
| February 1    | New Hampshire      | Primary                                    | 29   | 17   |
| February 7-13 | Hawaii (R)         | Caucus                                     | —    | 14   |
| February 8    | Delaware (R)       | Primary <sup>b</sup>                       | —    | 12   |
| February 19   | South Carolina (R) | Primary <sup>b</sup>                       | —    | 37   |
| February 22   | Arizona (R)        | Primary                                    | —    | 30   |
|               | Michigan (R)       | Primary                                    | —    | 12   |
| February 26   | American Samoa (R) | Caucus                                     | —    | 4    |
|               | Guam (R)           | Caucus                                     | —    | 4    |
|               | Virgin Islands (R) | Caucus                                     | —    | 4    |
| February 27   | Puerto Rico (R)    | Primary                                    | —    | 14   |
| February 29   | North Dakota (R)   | Caucus                                     | —    | 19   |
|               | Virginia (R)       | Primary                                    | —    | 56   |
|               | Washington (R)     | Primary                                    | —    | 37   |
| March 7       | California         | Primary                                    | 434  | 162  |
|               | Connecticut        | Primary                                    | 67   | 25   |
|               | Georgia            | Primary                                    | 92   | 54   |
|               | Hawaii (D)         | Caucus                                     | 33   | —    |
|               | Idaho (D)          | Caucus                                     | 23   | —    |
|               | Maine              | Primary                                    | 32   | 14   |
|               | Maryland           | Primary                                    | 92   | 31   |
|               | Massachusetts      | Primary                                    | 118  | 37   |
|               | Minnesota (R)      | Caucus                                     | —    | 34   |
|               | Missouri           | Primary                                    | 92   | 35   |



| Date        | State              | Method <sup>a</sup><br>(Primary or Caucus) | Dems | Reps |
|-------------|--------------------|--|------|------|
|             | New York           | Primary                                    | 294  | 101  |
|             | North Dakota (D)   | Caucus                                     | 22   | —    |
|             | Ohio               | Primary                                    | 170  | 69   |
|             | Rhode Island       | Primary                                    | 32   | 14   |
|             | Vermont            | Primary                                    | 22   | 12   |
|             | Washington (D)     | Caucus                                     | 94   | —    |
|             | American Samoa (D) | Caucus                                     | 6    | —    |
| March 9     | South Carolina (D) | Caucus                                     | 52   | —    |
| March 10    | Colorado           | Primary                                    | 61   | 40   |
|             | Utah               | Primary                                    | 29   | 29   |
|             | Wyoming (R)        | Caucus                                     | —    | 22   |
| March 10-14 | Democrats Abroad   | Caucus                                     | 9    | —    |
| March 11    | Arizona (D)        | Primary <sup>b</sup>                       | 55   | —    |
|             | Michigan (D)       | Primary <sup>b</sup>                       | 157  | —    |
| March 11-12 | Minnesota (D)      | Caucus                                     | 91   | —    |
| March 12    | Nevada (D)         | Caucus                                     | 29   | —    |
| March 14    | Florida            | Primary                                    | 186  | 80   |
|             | Louisiana          | Primary                                    | 74   | 29   |
|             | Mississippi        | Primary                                    | 48   | 33   |
|             | Oklahoma           | Primary                                    | 53   | 38   |
|             | Tennessee          | Primary                                    | 81   | 37   |
| March 14    | Texas              | Primary                                    | 231  | 124  |
| March 18    | Guam (D)           | Caucus                                     | 6    | —    |
| March 21    | Illinois           | Primary                                    | 189  | 74   |
|             | Nevada (R)         | Caucus                                     | —    | 17   |
| March 25    | Wyoming (D)        | Caucus                                     | 18   | —    |
| March 26    | Puerto Rico (D)    | Primary                                    | 59   | —    |
| March 27    | Delaware (D)       | Caucus                                     | 22   | —    |
| April 1     | Virgin Islands (D) | Caucus                                     | 6    | —    |
| April 4     | Kansas             | Primary                                    | 42   | 35   |
|             | Pennsylvania       | Primary                                    | 191  | 78   |
|             | Wisconsin          | Primary                                    | 92   | 37   |
| April 14-17 | Virginia (D)       | Caucus                                     | 98   | —    |
| May 2       | Indiana            | Primary                                    | 88   | 55   |

| Date   | State                | Method <sup>a</sup><br>(Primary or Caucus) | Dems | Reps |
|--------|----------------------|--|------|------|
|        | North Carolina       | Primary                                    | 103  | 62   |
|        | District of Columbia | Primary                                    | 32   | 15   |
| May 9  | Nebraska             | Primary                                    | 32   | 30   |
|        | West Virginia        | Primary                                    | 42   | 18   |
| May 16 | Oregon               | Primary                                    | 58   | 24   |
| May 23 | Arkansas             | Primary                                    | 48   | 24   |
|        | Idaho (R)            | Primary                                    | —    | 28   |
|        | Kentucky             | Primary                                    | 58   | 31   |
| June 6 | Alabama              | Primary                                    | 63   | 44   |
|        | Montana              | Primary                                    | 24   | 23   |
|        | New Jersey           | Primary                                    | 124  | 54   |
|        | New Mexico           | Primary                                    | 35   | 21   |
|        | South Dakota         | Primary                                    | 22   | 22   |

- a. The events listed here are the *initial* step for choosing national convention delegates, at which rank-and-file voters participate. In a *primary*, Democratic voters mark their ballot either for a presidential candidate (with delegates chosen or allocated afterwards, according to the results) or for both a presidential candidate and individual delegate candidates. Republican primary voters may have a third option, whereby the voter marks the ballot for individual delegate candidates without an accompanying Presidential candidate preference vote. The *caucus process* is comprised of several stages (usually three or four), where rank-and-file voters participate at the first stage, to choose participants for the next stage, and so on. National convention delegates are chosen at a later stage, after the initial mass participation event. Under the *convention system*, a group of participants assembles to choose the national delegates. Convention participants may have been chosen through the *caucus process*, they may be party officials from throughout the state, or they may have been designated to attend the convention according to some other mechanism. Most state parties adopt a delegate selection system that combines, in some manner, at least two of these methods – the primary, caucus, or convention.
- b. Party-run primaries.

## Characteristics of the Contemporary Nominating System

### Length of the Campaign

Potential candidates begin organizing their campaigns and raising money a year or more in advance of the primary season in order to be competitive. While the length of the nominating season has remained virtually unchanged, the pre-election maneuvering by candidates may begin shortly after the previous presidential election, and exploratory committees are often in operation one or two years before the election. In 1972, 12 of 15 major party contenders announced their candidacies no earlier than two months preceding January 1 of the election year; in 1988, all 14 major party candidates announced before the election year began (one of whom announced in 1986). For the 2000 election, six candidates had announced by the end of April 1999 and all twelve major party candidates had announced their candidacies (or the formation of their exploratory committees) by September.

## **The Accelerated Pace**

In 1976, the Iowa Republican Party advanced its caucus date to January 19, the same day as Democratic Party caucuses, thereby supplanting the New Hampshire primary in its traditional role as the first two-party delegate selection event of the nominating season. Since then, Iowa and New Hampshire have played an incipient role in narrowing the field of candidates and setting the stage for ensuing primaries and caucuses. Other states have reacted to the influence and attention accorded Iowa and New Hampshire by advancing their dates as well—a phenomenon known as “front-loading.”

The 2000 calendar was the most front-loaded ever. The nominating season began in Iowa and New Hampshire, according to tradition, although events in these states took place nearly a month earlier than in past years. The Iowa caucuses were moved to January 24 (from February 21 in 1996) and the New Hampshire primary was scheduled on February 1 (it was held on February 29 in 1996).

Following New Hampshire, Republicans scheduled events in eight states during February. But the most significant change to the calendar was the scheduling of primaries in California, New York, and Ohio on March 7, the first date on which Democrats may hold delegate selection events according to national rules (from which Iowa and New Hampshire are exempt). Seven primaries were scheduled on the first Tuesday in March in 1996, mostly in New England states, but the addition of California, New York, and Ohio in 2000 swelled the number of delegates at stake and created a national event with contests taking place in each region of the country. Twelve primaries and caucuses were scheduled for both parties on March 7, 2000, and caucuses for one party or the other were scheduled in an additional four states. In contrast, delegate selection events had been held in 23 states by the end of March in the 1992 calendar, while in 1976, delegate selection had begun in only seven states by that time.

On March 14, six southern states (Florida, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas) hold primaries on the date previously known as “Super Tuesday.” The event was organized by mostly Democratic members of the Southern Legislative Conference in 1988 as a 14-state southern regional primary. “Super Tuesday” offered nearly one-third of the delegates to either convention on a single day, but met with mixed reviews. Some analysts suggested the event achieved its goals, while others said it fell short of expectations. In 1992, five of the states which participated in the 1988 “Super Tuesday” primaries rescheduled their events for later during the campaign season, while Georgia officials moved their primary to the week prior to “Super Tuesday.” In 2000, only six of the original 14 states will hold primaries simultaneously on March 14.

## **Increased Number of Debates**

Campaign debates have become an increasingly important aspect of the nominating process in recent years. An unprecedented number occurred during the 1988 primary season: approximately 60 debates (virtually all televised locally or nationally) were held among candidates of one or both parties.<sup>6</sup> For the 2000 election cycle, 19 debates between the Democratic or Republican candidates were held between October 27, 1999 and February 21, 2000, according to the Alliance for Better Campaigns.<sup>7</sup>

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<sup>6</sup> R.W. Apple, Jr., “Political Debates and Their Impact on The Race,” *New York Times*, Apr. 23, 1988, p. 10; In 1992, some 15 debates were held during the primary season, a lower number than 1988, partly because of a greater degree of competition in both parties in the earlier year.

<sup>7</sup> Glenn Kessler, “In Debates, Sponsor’s Can’t Lose,” *The Washington Post*, Feb. 29, 2000, p. E1.

In general, the increase in debates coincided with a decrease in the number of “straw poll” elections before and during the nominating season; these polls measure candidate popularity among party activists at state conventions but have no bearing on the selection of delegates. To some extent, candidate debates offset one of the most frequently cited criticisms of the process—that the combined influence of the media and the proliferation of primaries (with their mass audience) seem to foster an emphasis on candidate image over substantive issues. Debates will likely continue to play an important role in the pre-nomination period.

### **III. The Nominating Conventions**

National conventions combine three important functions: nomination of candidates for the office of President and Vice President; formulation and adoption of a statement of party principles—the platform; and adoption of rules and procedures governing party activities, particularly the nomination process for presidential candidates in the next election cycle.

#### **Evolution and Traditions of the Party Convention**

The first nominating convention by one of what emerged as our two major parties—the Democrats—was held in Baltimore, Maryland, between May 21 and 23, 1832. Nomination by party convention replaced earlier arrangements, which included nomination by both congressional party caucuses, and by state legislatures, which prevailed through 1828.

#### **Historical Developments**

##### ***The Caucus System***

In 1800, Thomas Jefferson was nominated by a caucus comprised of Democratic-Republican Members of Congress. The Federalists chose the same method to renominate President John Adams. Following Jefferson’s successful election to the Presidency that year, the Democratic-Republicans continued to use the caucus method until the election of 1820, when incumbent President James Monroe was the unchallenged consensus candidate. The declining Federalists, who relied on meetings of party leaders to nominate their choices after 1800, fielded their last presidential ticket in 1816.

##### ***Emergence of the National Party Convention***

The election of 1824 brought an end to both the Democratic-Republican-dominated “era of good feeling” and the use of a congressional caucus as a nominating device. Although the Democratic-Republican caucus nominated William Crawford of Georgia as its candidate, three other candidates (John Quincy Adams, Henry Clay, and Andrew Jackson) were also nominated by rival factions within the party. After a bitter contest and an electoral college deadlock, Adams was elected President by the House of Representatives.

A brief transitional period followed, in which state legislative caucuses and conventions and various other methods were used to nominate presidential candidates. In 1832, the three parties contesting the election—Anti-Masonic, Democratic, and National Republican—used national conventions as vehicles for nominating their presidential tickets for the first time. The use of nominating conventions reflected the growing trend toward greater democratic participation which characterized the “Jackson Era.”

“King Caucus” had been criticized as being both basically undemocratic and insufficiently reflective of the popular choice of candidates. The national convention, by comparison, was comprised of delegates chosen by party voters, activists and officeholders in each state. It was a natural extension, on the national level, of the party conventions used to nominate elected officials on the county and state levels.

The Anti-Masonic Party was the first to use the national convention, which met in Baltimore in September 1831, to choose William Wirt as its candidate; the Democrats and National Republicans followed suit the next year. By 1840, the Democrats and Whigs had adopted the national convention as the standard nominating device, which the major parties have used without exception ever since.

### ***Classic Elements of the National Convention***

For over a century, national conventions were often unruly, strongly contested gatherings. It was common for a number of names to be placed in nomination, with no single candidate possessing the requisite number of votes to win on the first ballot.

In 1860, the Democrats were unable to decide on a candidate after ten days and were forced to reconvene six weeks later in another city to finalize their selection. On other occasions, many ballots and extensive political maneuvering were required before a presidential candidate could be nominated. Various party rules and political practices contributed to these characteristics.

### ***The Two-Thirds Rule and Dark-Horse Candidates***

A major factor was the Democratic Party requirement, adopted at the 1832 convention and not abandoned until 1936, that the party’s nominee receive a two-thirds majority of delegate votes. The record for the number of ballots cast is held by the Democrats, who required 103 ballots to nominate John W. Davis in the 1924 national convention.<sup>8</sup>

Fear of deadlock among the most widely-known candidates led to the occasional emergence of a “dark horse” candidate—a minor candidate or party figure who had not originally been thought of as a candidate—as a compromise choice. James K. Polk of Tennessee, nominated by the Democrats in 1844, is often cited as the first dark horse candidate to win nomination. In 1936, the Democrats adopted rules changes requiring only a simple majority for nomination, largely ending the lengthy balloting which had occasionally resulted in the selection of dark horse candidates.

### ***The Smoke-Filled Room***

Convention deadlock was not unknown among the Republicans, despite the fact that they required only a simple majority to nominate. At their 1920 convention, Ohio Senator Warren Harding emerged as a compromise candidate on the 10<sup>th</sup> ballot. According to legend, Harding’s nomination was engineered at a secret late-night meeting of party leaders held in a hotel suite, giving rise to an enduring element of national convention lore—selection of the presidential nominee in “the smoke-filled room.” The term came to imply choice of a nominee by a small group of party leaders meeting out of the view of public scrutiny.

### ***Favorite Sons***

The “favorite son” candidacy is another once-common device which is seen much less frequently in contemporary national conventions. Favorite sons were political figures (often Governors,

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<sup>8</sup> The Republican record is held by the 1880 convention, which took 36 ballots to nominate James Garfield.

Senators, or Representatives) who ran for the Presidency, usually campaigning only in their home states, for the purpose of retaining control of state delegations. Once at a convention, the favorite son typically used his delegates as bargaining chips, to influence the party platform, to help secure the nomination for a preferred candidate, to seek future political favors, or to enhance his own prospects as vice presidential nominee.

A 1972 Democratic Party rules change required that candidates secure pledges of support from at least 50 delegates, not more than 20 of whom can be from a single state. This rule, which essentially required candidates to secure at least a modest level of support from a more geographically diverse representation of delegates, further served to reduce the number of names placed in nomination at subsequent conventions. Similarly, current Republican Party rules require that candidates must be able to demonstrate the support of a majority of the delegates from five or more states in order to have their names placed in nomination.

The decline of favorite son candidacies in both parties is also attributed to the changing nature of the pre-convention nomination process: fewer uncommitted delegates are elected in the primaries and caucuses. Moreover, as state and local party leaders gradually lost control of the selection process, they were unable to keep delegates from supporting major candidates for the nomination.

## **The Modern Convention**

### **Ratifying the Party Choice**

Throughout most of the first half of the 20<sup>th</sup> century, national conventions were frequently the scene of contentious struggles for the presidential nomination. It was not uncommon for a convention to open without a clear favorite and with no candidate holding the votes needed to win the nomination on the first ballot.

Since that time, the choice of nominees has been much less likely to be made at the convention. Although there can be—and frequently are—spirited controversies over rival candidacies, the nominee today is usually known well in advance of the convention, based on an accumulation of a comfortable majority of delegate votes. As a result, the convention now characteristically serves largely to ratify a choice already arrived at by party primaries, caucuses and state conventions.

To a large extent, this change has resulted from a corresponding change in how convention delegates are chosen. Traditionally, most delegates were selected by party leaders and officials. Since World War II, and especially since the 1970s, increased reliance on caucuses and primaries has opened the delegate selection process to larger numbers of party activists and the voting public, effectively wresting control from state and national party professionals. Primary voters usually declare their presidential candidate choice at the same time as they indicate their choice of convention delegates.

Moreover, despite the large numbers of candidates who have entered the race in recent elections (at least when no incumbent was running in a particular party), the increasing length of the primary and caucus season has tended to eliminate weaker candidates, winnowing the field to one or two major contenders. In almost every convention since 1956, one candidate has gone to each party's convention with a clear, strong lead in delegate totals.

### **The Influence of Television**

Since 1952, when full-scale television coverage began, the national convention has been transformed from a gathering of the party faithful to a media event which attracts widespread national interest. Television coverage led to a complete reorganization of scheduling and events.

Convention sessions, once primarily conducted during the day, are now largely scheduled for peak viewing hours, in order to attract the widest television audience. The once-leisurely pace of events has been tightened, time-consuming demonstrations are more strictly limited, and lengthy speeches have largely been curtailed or eliminated.

Emphasis has been placed on producing stage-set platforms geared more to television viewers than convention participants. Both parties also make increasing use of professionally produced films on the candidates and the party. Included as an integral part of the convention proceedings, these serve the dual purpose of entertaining delegates and broadcasting a carefully tailored image and message to viewers nationwide.

As of 1992, the three major commercial television networks announced a reduction in convention coverage, citing increased costs and declining viewer interest. More extensive, even “gavel-to-gavel,” convention coverage has been provided, however, by the Public Broadcasting System (PBS), Cable News Network (CNN), and C-SPAN.

## Planning the Convention

### The “Call”

The official “call” to the convention, customarily issued by the national committees of the two major parties some 18 months in advance, announces the dates and site of the national convention. The call also includes information on delegate allocation and rules for deciding disputed delegate credentials. In recent years, the Democrats have included rules governing affirmative action in the delegate selection process, activities of convention committees, and procedures and scheduling for various committees and convention events.

### Timing and Location of National Conventions

During the 20<sup>th</sup> century, national party conventions have come to be held during the summer immediately preceding the opening of the general election campaign for President. Since 1952, all conventions have been held in July or August. In a tradition that dates to 1932, the party out of power has convened first, usually about a month before the party holding the Presidency. In 2000, the Republican National Convention is scheduled to be held from July 31-August 3 in Philadelphia, while the Democrats will meet from August 14-17 in Los Angeles.

In the 19<sup>th</sup> century, difficulties of travel led to the selection of centrally located cities as convention sites. Baltimore, located midway along the Atlantic seaboard, was a favorite choice in early years. As the center of population moved west, Chicago and other midwestern cities were more frequently selected. With the advent of air travel and further population growth in the west, south, and southwest, a broader range of locations has been considered. Chicago has been host to the greatest number of conventions (11 Democratic and 14 Republican).

**Table 2. Democratic and Republican National Party Conventions: 1832-2000**

| Year | Party      | Location  | Dates     |
|------|------------|-----------|-----------|
| 1832 | Democratic | Baltimore | May 21-23 |
| 1835 | Democratic | Baltimore | May 20-23 |
| 1840 | Democratic | Baltimore | May 5-6   |
| 1844 | Democratic | Baltimore | May 27-29 |



| Year | Party      | Location     | Dates          |
|------|------------|--------------|----------------|
| 1848 | Democratic | Baltimore    | May 22-25      |
| 1852 | Democratic | Baltimore    | June 1-5       |
| 1856 | Democratic | Cincinnati   | June 2-6       |
|      | Republican | Philadelphia | June 17-19     |
| 1860 | Democratic | Charleston   | April 23-May 3 |
|      |            | Baltimore    | June 18-23     |
|      | Republican | Chicago      | May 16-18      |
| 1864 | Democratic | Chicago      | Aug. 29-31     |
|      | Republican | Baltimore    | June 7-8       |
| 1868 | Democratic | New York     | July 4-9       |
|      | Republican | Chicago      | May 20-21      |
| 1872 | Democratic | Baltimore    | July 9-10      |
|      | Republican | Philadelphia | June 5-6       |
| 1876 | Democratic | St. Louis    | June 27-29     |
|      | Republican | Cincinnati   | June 14-16     |
| 1880 | Democratic | Cincinnati   | June 22-24     |
|      | Republican | Chicago      | June 2-8       |
| 1884 | Democratic | Chicago      | July 8-11      |
|      | Republican | Chicago      | June 3-6       |
| 1888 | Democratic | St. Louis    | June 5-7       |
|      | Republican | Chicago      | June 19-25     |
| 1892 | Democratic | Chicago      | June 21-23     |
|      | Republican | Minneapolis  | June 7-10      |
| 1896 | Democratic | Chicago      | July 7-10      |
|      | Republican | St. Louis    | June 16-18     |

|             |                   |                    |                 |
|-------------|-------------------|--------------------|-----------------|
| <b>1900</b> | <b>Democratic</b> | <b>Kansas City</b> | <b>July 4-6</b> |
| 1904        | Republican        | Philadelphia       | June 19-21      |
|             | Democratic        | St. Louis          | July 6-9        |
| 1908        | Republican        | Chicago            | June 21-23      |
|             | Democratic        | Denver             | July 7-10       |
| 1912        | Republican        | Chicago            | June 16-19      |
|             | Democratic        | Baltimore          | June 25-July 2  |
| 1916        | Republican        | Chicago            | June 18-22      |
|             | Democratic        | St. Louis          | June 14-16      |
| 1920        | Republican        | Chicago            | June 7-10       |
|             | Democratic        | San Francisco      | June 28-July 6  |



| <b>1900</b> | <b>Democratic</b> | <b>Kansas City</b> | <b>July 4-6</b> |
|-------------|-------------------|--------------------|-----------------|
|             | Republican        | Chicago            | June 8-12       |
| 1924        | Democratic        | New York           | June 24-July 9  |
|             | Republican        | Cleveland          | June 10-1       |
| 1928        | Democratic        | Houston            | June 26-29      |
|             | Republican        | Kansas City        | June 12-15      |
| 1932        | Democratic        | Chicago            | June 27-July 2  |
|             | Republican        | Chicago            | June 14-16      |
| 1936        | Democratic        | Philadelphia       | June 23-27      |
|             | Republican        | Cleveland          | June 9-12       |
| 1940        | Democratic        | Chicago            | July 15-18      |
|             | Republican        | Philadelphia       | July 24-28      |
| 1944        | Democratic        | Chicago            | July 19-21      |
|             | Republican        | Chicago            | June 26-28      |
| 1948        | Democratic        | Philadelphia       | July 12-14      |
|             | Republican        | Philadelphia       | June 21-25      |
| 1952        | Democratic        | Chicago            | July 21-26      |
|             | Republican        | Chicago            | July 7-11       |
| 1956        | Democratic        | Chicago            | Aug. 13-17      |
|             | Republican        | San Francisco      | Aug. 20-23      |
| 1960        | Democratic        | Los Angeles        | July 11-15      |
|             | Republican        | Chicago            | July 25-28      |
| 1964        | Democratic        | Atlantic City      | Aug. 24-27      |
|             | Republican        | San Francisco      | July 13-16      |
| 1968        | Democratic        | Chicago            | Aug. 26-29      |
|             | Republican        | Miami Beach        | Aug. 5-8        |
| 1972        | Democratic        | Miami Beach        | July 10-13      |
|             | Republican        | Miami Beach        | Aug. 21-23      |
| 1976        | Democratic        | New York           | July 12-15      |
|             | Republican        | Kansas City        | Aug. 16-19      |
| 1980        | Democratic        | New York           | Aug. 11-14      |
|             | Republican        | Detroit            | July 14-17      |
| 1984        | Democratic        | San Francisco      | July 16-19      |
|             | Republican        | Dallas             | Aug. 20-23      |
| 1988        | Democratic        | Atlanta            | July 18-21      |
|             | Republican        | New Orleans        | Aug. 14-18      |
| 1992        | Democratic        | New York           | July 13-16      |
|             | Republican        | Houston            | Aug. 17-20      |

| 1996 | Democratic | Chicago      | Aug. 26-29     |
|------|------------|--------------|----------------|
| 2000 | Republican | San Diego    | Aug. 12-16     |
|      | Democratic | Los Angeles  | Aug. 14-17     |
|      | Republican | Philadelphia | Jul. 31-Aug. 3 |

**Source:** *National Party Conventions, 1831-1988*. (Washington, Congressional Quarterly, Inc., 1991.). 283 p.; 1992, 1996, and 2000 data from published sources.

### Site Selection

Selection of sites for national party conventions is a lengthy process in which facilities, security arrangements, and level of assistance offered by local governments are all considered by a special committee of the parties' national committees. An incumbent President's choice of location may also be an important factor in his party's decision. State and local governments actively seek conventions due to the economic benefits conferred by the presence of large numbers of delegates, party officials and media representatives, as well as the presumably favorable national publicity generated by a national convention.

### The Delegates

Delegates to national political conventions are chosen by various methods, as detailed in Chapter II. The number of delegates is established by the respective party committee and has risen over the years. In 2000, the Democratic National Convention will be comprised of 4,337 delegates and 610 alternates, while the Republicans select 2,066 delegates and an equal number of alternates. A table reflecting the growth in delegate numbers since 1952 follows:

**Table 3. Growth of National Convention Delegations: 1952-2000**

| Year | Democrats | Republicans |
|------|-----------|-------------|
| 1952 | 1230      | 1206        |
| 1956 | 1372      | 1323        |
| 1960 | 1521      | 1331        |
| 1964 | 2295      | 1308        |
| 1968 | 2522      | 1333        |
| 1972 | 3016      | 1333        |
| 1976 | 3008      | 2259        |
| 1980 | 3331      | 1994        |
| 1984 | 3933      | 2235        |
| 1988 | 4161      | 2277        |
| 1992 | 4287      | 2207        |
| 1996 | 4329      | 1984        |
| 2000 | 4337      | 2066        |

**Source:** James W. Davis, *National Conventions in an Age of Party Reform* (Westport, CN: Greenwood Press, 1983). p. 43. (1952-1980); Republican and Democratic National Committees, for 1984 and 1988; 1992, 1996, and 2000 data from Final Calls.

## **Convention Organization**

National conventions of the Democratic and Republican Parties follow similar patterns of organization.

### **Permanent Chair**

Although conventions of both parties are opened by a temporary presiding officer, election of a permanent chair is usually one of the first points in the order of business. The Permanent Chair, who presides for the balance of the convention, is usually a senior party figure, most often the party leader in the House of Representatives. (Since 1972, the Democrats have required that the permanent chairmanship alternate between the sexes every four years.) In 1996, House Speaker Newt Gingrich (GA) chaired the Republican National Convention, while Senate Minority Leader Tom Daschle (SD) and House Minority Leader Richard Gephardt (MO) co-chaired the Democratic National Convention.

### **Convention Committees**

Committees of the national conventions prepare reports for the conventions on delegate credentials, rules of procedure, and party platforms. The full convention ratifies or amends the respective recommendations from each of these committees.

### ***Permanent Organization***

The Permanent Organization Committee, which functions continuously between conventions, has as its primary role the selection of convention officers. As part of its 1972 reforms, the Democrats abolished the Permanent Organization Committee, transferring its duties to the Rules Committee.

### ***Credentials***

The Credentials Committees of both parties examine and rule on the accreditation of state delegations to the conventions. In closely contested or unusually acrimonious nomination campaigns, the Credentials Committees occasionally consider conflicting claims for recognition by competing slates of delegates. The Rules and Bylaws Committee of the Democratic National Committee monitors the delegate selection process to ensure party rules are observed.

### ***Rules***

The Rules Committees of the two parties recommend procedures under which the national conventions are conducted.

### ***Platform***

The first party platform was adopted by the Democrats at their 1840 national convention. The task of drafting the platforms of the two major parties is the responsibility of the Platform Committees, which draft the document for the conventions' approval. Typically, these committees hold hearings around the country prior to the convention at which public views on policy questions are solicited.

## The Convention Day-by-Day

Contemporary national conventions are generally held over a four-day period, with both parties observing similar schedules. The proceedings are regularly interspersed with films honoring party figures. A continuing procession of party notables, usually selected to reflect the party's diversity, offer short speeches throughout the proceedings, while clergymen from various denominations offer invocations and benedictions to open and close each session.

The following day-by-day account provides a general overview of the course of events at a typical national convention. Variations in scheduling, both planned and those necessitated by time-consuming floor procedures, are not uncommon.

### Day One

The first day of a national convention is generally devoted to routine business. The convention is called to order by the national party chair, the roll of delegations is called, and the temporary chair is elected. Welcoming speeches are delivered by the mayor of the host city and often the governor of the state in which the convention is held. Committee appointments, which have been previously announced, are ratified. The Democrats generally install permanent convention officers at the first session, while the Republicans, in recent years, have completed adoption of credentials, rules, and the party platform before turning over convention proceedings to the permanent chair, usually on the second or third day.

The Democratic Convention keynote address is also delivered on the first day of convention proceedings. The Republicans tend to schedule keynote speeches for later in the convention, usually at the second session.

### *The Keynote Address*

The keynote address sets the themes and tone of the convention and often of the general election campaign to follow. Keynote speakers are usually prominent office holders or party officials, chosen because of their national appeal and speaking ability, or because they may be viewed as "rising stars" in the party.

The keynote address is highly partisan in tone and content. It extols the party record and the incumbent President, when the party holds the White House. It attacks the opposition candidates, policies, and record. Perhaps the most famous such address was delivered at the 1896 Democratic National Convention by William Jennings Bryan of Nebraska. His passionate attack on the gold standard, coupled with a plea for free silver ("You shall not crucify mankind on a cross of gold") stamped the convention and led to his own nomination. A list of 20<sup>th</sup> century keynote speakers follows.

**Table 4. Keynote Speakers at National Conventions: 1900-1996**

| Year | Party      | Speaker             | State |
|------|------------|---------------------|-------|
| 1900 | Democratic | Charles S. Thomas   | CO    |
|      | Republican | E. O. Woolcott      | CO    |
| 1904 | Democratic | John Sharp Williams | MS    |
|      | Republican | Elihu Root          | NY    |
| 1908 | Democratic | Theodore A. Bell    | CA    |

| Year | Party      | Speaker             | State |
|------|------------|---------------------|-------|
| 1912 | Republican | Julius C. Burrows   | MI    |
|      | Democratic | Alton B. Parker     | NY    |
| 1916 | Republican | Elihu Root          | NY    |
|      | Democratic | Martin S. Glynn     | NY    |
| 1920 | Republican | Warren G. Harding   | OH    |
|      | Democratic | Homer S. Cummings   | CT    |
| 1924 | Republican | Henry Cabot Lodge   | MA    |
|      | Democratic | Pat Harrison        | MS    |
| 1928 | Republican | Theodore E. Burton  | OH    |
|      | Democratic | Claude G. Bowers    | IN    |
| 1932 | Republican | Simeon D. Fess      | OH    |
|      | Democratic | Alben W. Barkley    | KY    |
| 1936 | Republican | L. J. Dickinson     | IA    |
|      | Democratic | Alben W. Barkley    | KY    |
| 1940 | Republican | Frederick Steiwer   | OR    |
|      | Democratic | William B. Bankhead | AL    |
| 1944 | Republican | Harold E. Stassen   | MN    |
|      | Democratic | Robert S. Kerr      | OK    |
| 1948 | Republican | Earl Warren         | CA    |
|      | Democratic | Alben W. Barkley    | KY    |
| 1952 | Republican | Dwight H. Green     | IL    |
|      | Democratic | Paul A. Dever       | MA    |
| 1956 | Republican | Douglas MacArthur   | NY    |
|      | Democratic | Frank G. Clement    | TN    |
| 1960 | Republican | Arthur B. Langlie   | WA    |
|      | Democratic | Frank Church        | ID    |
| 1964 | Republican | Walter H. Judd      | MN    |
|      | Democratic | John O. Pastore     | RI    |
| 1968 | Republican | Mark O. Hatfield    | OR    |
|      | Democratic | Daniel K. Inouye    | HI    |
| 1972 | Republican | Daniel J. Evans     | WA    |
|      | Democratic | Reubin Askew        | FL    |
| 1976 | Republican | Edward W. Brooke    | MA    |
|      |            | Richard G. Lugar    | IN    |
|      |            | Anne Armstrong      | TX    |
|      | Democratic | John Glenn          | OH    |
|      |            | Barbara Jordan      | TX    |

| Year | Party      | Speaker              | State |
|------|------------|----------------------|-------|
| 1980 | Republican | Howard H. Baker, Jr. | TN    |
|      | Democratic | Morris K. Udall      | AZ    |
|      | Republican | Guy Vander Jagt      | MI    |
| 1984 | Democratic | Mario M. Cuomo       | NY    |
|      | Republican | Katherine Ortega     | NM    |
| 1988 | Democratic | Ann Richards         | TX    |
|      | Republican | Thomas Kean          | NJ    |
| 1992 | Democratic | Bill Bradley         | NJ    |
|      |            | Barbara Jordan       | TX    |
|      |            | Zell Miller          | GA    |
|      | Republican | Phil Gramm           | TX    |
| 1996 | Democratic | Evan Bayh            | IN    |
|      | Republican | Susan Molinari       | NY    |

**Sources:** Proceedings of the National Conventions of the Democratic and Republican Parties, 1900-1996.

## Day Two

### *Credentials*

Routine convention business often spills over into the second day of proceedings, as reports of the credentials, rules, and platform committees are debated and approved by the delegates. While the acceptance of delegate credentials is usually a perfunctory procedure, in some years credentials have been hotly contested as rival slates of delegates from the same state, representing contending factions, were presented.

In 1968, the Democratic National Convention voted to unseat the racially segregated Mississippi Regular Democratic delegation and replace it with the rival, integrated Freedom Democratic delegation. Four years later, in 1972, challenges to both the California and Illinois Democratic delegations resulted in lengthy struggles on the floor. These struggles grew out of infighting between supporters and opponents of candidate George McGovern and focused on whether the delegations had been elected in accordance with newly adopted reform rules. In both cases, the pro-McGovern delegations were seated, helping insure nomination of the South Dakota Senator and constituting a major defeat for more traditional party leaders.

### *Rules*

Adoption of the Rules Committee report, setting convention procedures, is another important function usually completed on the second day of the convention. Consideration of the committee report has occasionally been accompanied by spirited debate, particularly in a close convention when delegates have sought to boost their candidate's chances by securing rules changes.

At the 1976 Republican Convention, supporters of Ronald Reagan unsuccessfully sought a rules change which would have required candidates for the nomination to name their vice presidential running mate before the first ballot. Failure to comply with the proposed rule change would have freed all delegates from their customary pledge to vote for the candidate to whom they were committed on the first round. Reagan supporters hoped that adoption of the rule might force

opposing candidate Gerald Ford to name a running mate unacceptable to some of his committed delegates, and thus enhance Reagan's chances of nomination.

### ***Platform***

Adoption of the party platform is another task usually completed on the second day of a convention, although consideration of proposed amendments to the Platform Committee draft will occasionally continue into the third day.

The party platform, a statement of principles and policy proposals, is prepared in advance by the Platform Committee, but is sometimes amended on the floor through minority reports. These reports are filed by those who were unsuccessful in incorporating their views into the draft version. Consideration of minority reports by the convention is contingent upon obtaining a threshold level of delegate support.

The process of platform approval has also occasionally led to spirited struggles between contending convention factions, often allied with opposing candidates. In 1984, for instance, candidate Jesse Jackson sought platform 'planks' (statements of distinct party policies) renouncing 'first use' of nuclear weapons, denouncing runoff primary elections (deemed discriminatory to black candidates), and embracing the use of quotas to combat racial discrimination, all controversial positions considered by opponents as pushing the party too far to the 'left.' Convention forces loyal to eventual nominee Walter Mondale rejected all three proposals, although compromise language allegedly acceptable to Jackson was eventually adopted.

Platforms are intended to maintain the loyalty of committed party activists, while attracting the support and votes of political independents. As such, they generally avoid proposals which might be interpreted as extreme. On the occasions when party platforms have incorporated allegedly radical proposals of the left or right, they have tended to damage the election chances of the presidential ticket.

Although serving as a statement of principles and intentions, party platforms are not binding. Presidents, once in office, may choose to ignore the pledges made by the party in convention. For example, in 1932, Franklin D. Roosevelt was elected on a platform calling for increased austerity and a balanced budget. Once in office, however, his administration undertook a program of spending measures—the New Deal—intended to stimulate the economy and end the Depression. Furthermore, Republican platforms in 1980, 1984, and 1988 called for a balanced federal budget, but budget deficits throughout this period continued to increase.

### **Day Three**

The third day of national conventions is usually reserved for the nomination of the presidential candidate. In recent years, the nomination is accomplished in one evening, with only one ballot. The last national convention requiring more than one ballot to nominate a presidential candidate was the 1952 Democratic National Convention, in which Adlai Stevenson was chosen on the third round of voting.

### ***The Nominating Speech***

Prominent or promising party figures are usually given the task of placing the names of candidates in nomination, followed by a series of seconding speeches. The classic form of nominating speech, which generally included a long list of the candidate's strengths and achievements, avoided naming the candidate until the final paragraph. This device, known as "the

man who,” was intended to postpone the inevitable and time-consuming demonstrations of delegate support which inevitably followed mention of the candidate’s name. This classic formulation has largely disappeared from contemporary nomination speeches.

### ***Balloting***

Following completion of the nominating and seconding speeches, the role of states is called, by the clerk of the convention, a position usually filled by the permanent secretary of the party’s national committee. The tally of delegate votes in each state is announced by the chair of the delegation, often the party’s highest ranking elected official in the state. A running count of vote totals is maintained, usually culminating in a “spontaneous” demonstration for the nominee when he or she receives enough votes to go “over the top” to secure the nomination. Following the completion of balloting, the chair usually entertains a motion to demonstrate party unity by making the nomination unanimous by acclamation. In 1984, the Republicans departed from tradition by nominating incumbent President Ronald Reagan and Vice President George Bush in a joint ballot.

### **Day Four**

The fourth day of the convention is usually dominated by the nomination of the vice presidential candidate and the presidential and vice presidential nominees’ acceptance speeches.

### ***Nominating the Vice President***

In a current practice embraced by both parties, the choice of a vice presidential nominee remains the prerogative of the presidential candidate. Franklin Roosevelt (particularly in 1940 and 1944) is generally regarded as the first President who was able to impose his personal vice presidential choice. In 1948, Republican nominee Thomas Dewey followed suit when he chose Earl Warren as his running mate. Prior to these precedents, party leaders usually chose the vice presidential nominee, often an unsuccessful presidential candidate who had wide support, or who was perceived as adding geographical balance to the ticket.

The concept of ticket balance remains an active element in contemporary nominations, with such factors as geography, age of vice presidential nominee, and political ideology (*i.e.*, a presidential nominee perceived as liberal will often choose a more conservative running mate, and vice versa) figuring in the nominee’s choice. That choice is rarely challenged, although a notable deviation from this tradition occurred in 1956, when Democratic nominee Adlai Stevenson encouraged open nominations for Vice President from the convention floor. A spirited contest ensued, in which Tennessee Senator Estes Kefauver bested a number of challengers on the third ballot, including Senators Albert Gore, Sr. (TN), John F. Kennedy (MA), Hubert Humphrey (MN), and New York Mayor Robert F. Wagner.

Incumbent Presidents seeking reelection usually select their current Vice Presidents as running mates, in the interest of continuity and party unity, although there have been occasional efforts to deny an incumbent Vice President a place on the ticket. For instance, in 1956, some Republican leaders unsuccessfully urged President Eisenhower to replace Vice President Nixon. More recently, in 1976, Vice President Nelson Rockefeller announced that he would not seek the nomination, an action widely interpreted at the time as an effort to preserve party unity by opening the slot for a more conservative candidate and to bolster President Ford’s candidacy.

The procedure for nominating the vice presidential candidates mirrors that for the presidential candidates, with the name placed in nomination by a prominent party leader, seconded by others,



and followed by a roll call of the states (often a motion to nominate by acclamation occurs in place of the roll call).

### ***Acceptance Speeches***

Following his or her nomination, the vice presidential candidate delivers an acceptance speech which is followed by the last major activity of the convention—the presidential nominee’s acceptance speech.

Democratic nominee Franklin Roosevelt, in 1932, was the first candidate both to appear at a national convention, and to deliver his acceptance in person. Prior to that time, a committee of party dignitaries customarily visited the candidate to inform him of his nomination. Republican nominee Thomas Dewey inaugurated this practice in the GOP in 1944.

The candidate’s acceptance speech ranks with the keynote address as one of the highlights of the convention, and it serves as its finale. It provides an opportunity for the nominee to establish the tone, content, and general themes of the election campaign to come, while providing incumbent Presidents running for reelection with the opportunity to defend their record and seek a renewed mandate from the voters.

### ***Adjournment***

Immediately following the nominee’s acceptance speech, the presidential nominee is joined on the podium by the vice presidential nominee, their spouses, families, defeated rivals and other party leaders for the traditional unity pose. Shortly afterwards, the convention is adjourned *sine die*.

## **IV. The General Election**

Adjournment of the national nominating conventions marks the beginning of the next phase of the presidential election process—the general election campaign. In the months following the conventions, the candidates, parties, and campaign organizations seek to build a winning popular and electoral vote coalition.

Labor Day has traditionally marked the start of the general election campaign. Although party nominees make campaign appearances throughout the summer, scheduling and media advertising begin in earnest in September. Dramatic “kickoff” events seek to draw the greatest possible attention to the national ticket. Democratic nominees traditionally began their campaigns with a large Labor Day rally in Detroit’s Cadillac Square. However, in recent years, both parties have varied the site.

### **Campaign Structure**

Immediately following the conventions, the nominees are faced with several tasks. These include uniting the party behind the candidates, establishing a general election campaign organization, and preparing a campaign plan.

### **Campaign Organizations**

In recent years, presidential campaigns have been managed by separate candidate-centered organizations, ad-hoc groups assembled for the specific purpose of winning the election. After the conventions, these committees are usually expanded from the nominee’s primary organization to

include key party professionals and staff from the campaigns of rival contenders for the nomination.

The campaign organization prepares the campaign plan, schedules appearances by the nominees and surrogate campaigners, conducts opposition and survey research, manages the national media campaign, and conducts both voter registration and get-out-the-vote (GOTV) drives. The organization is organized on the national, state, and local levels, overlapping, especially on the local level, existing party structures. The campaign organization seeks to broaden the candidate's appeal beyond committed partisans, bringing his or her message to the largest number of independent voters possible and to dissatisfied members of the other party.

## **Campaign Plans**

Campaign plans detail the strategy and tactics which the campaign organizations and candidates hope will bring a winning combination of electoral and popular votes in the general election. They specify the issues to be emphasized by the nominees and aspects of the candidates' personal image they hope to project to the voters. They include: plans of attack on the platform, issues, and candidates of the opposition; targeting of socioeconomic, ethnic, and religious groups deemed to be most amenable to the campaign message; assessments of the ticket's strengths and weaknesses in various states; and decisions on which geographic areas the candidates should concentrate in order to assemble an electoral college majority.

Campaign plans, while often quite detailed, tend to be flexible. They seek to anticipate possible events, emerging issues, and fluctuations in voter attitudes, allowing candidate and organization activities to be adjusted or "fine tuned" in order to strengthen the ticket as needed and to most effectively allocate resources.

## **Candidate Activity**

The contemporary model of presidential candidates crisscrossing the country on campaign tours, participating in a wide variety of political gatherings, is actually a fairly recent innovation in presidential campaign activity.

### **Traditional Methods—The Front Porch Campaign**

Throughout the 19<sup>th</sup> century, and well into the 20<sup>th</sup>, campaigns were conducted largely at grassroots levels by "surrogates"—party leaders and officeholders who spoke for the national ticket. With a few notable exceptions—in 1896, Democratic nominee William Jennings Bryan toured the country by rail in his impassioned, yet unsuccessful, campaign, nominees conducted "front porch campaigns," staying at home, receiving groups of supporters, and issuing occasional statements to the press.

### **The Modern Campaign Style**

Active campaigning by presidential candidates became more common in the 20<sup>th</sup> century. In 1932, Franklin D. Roosevelt conducted the first modern "whistle stop" campaign, traveling 13,000 miles by train and visiting 36 states. In succeeding elections, the "whistle stop" campaign, in which candidates toured the country by train, delivering speeches from the rear platforms, became a regular fixture of presidential politics. President Harry Truman apparently holds the record, covering 32,000 miles and averaging 10 speeches a day in his successful 1948 election bid.

During the same period, candidates made increasing use of air travel, another area in which Roosevelt pioneered. In 1932, he flew from New York to Chicago to accept the Democratic nomination, the first candidate to do so in person. Modern presidential campaigns are almost exclusively conducted by air, with the candidates able to cover both coasts in a single day. Air travel enables candidates to touch base in media markets in different parts of the country on the same day, maximizing their television exposure to voters. Sometimes, the candidates' appearances are confined to airport rallies, after which the campaign plane flies to another metropolitan area.

### **The Rose Garden Campaign**

A variation of the front porch campaign survives in contemporary presidential electoral politics. Sitting Presidents running for reelection, seeking both to maximize the advantages of incumbency and to project a "presidential" image, are likely to make use of the "Rose Garden" campaign style. They maintain a limited campaign schedule, while carrying out their duties as President. The incumbent makes well publicized use of the perquisites of the Presidency, including the use of the President's airplane—Air Force One, scheduling frequent announcements and activities at the White House, and delivering grants and other federal benefits in states and localities which, it is hoped, contribute to the reelection effort's success.

### **Television Dominated Presidential Campaigns**

The 1930s and 1940s saw the increasing use of radio as a major campaign communications tool. The advent of widespread commercial television broadcasting in the late 1940s added a further dimension. With its use of compelling video images, TV eventually revolutionized presidential contests. In 1952, Dwight Eisenhower became the first presidential candidate to make systematic use of the new medium, spending almost \$2,000,000 on television advertising.<sup>9</sup> The Eisenhower campaign messages, the first created by advertising professionals, were credited with creating a favorable image of the GOP candidate, contributing substantially to his victory.

Since that time, television has come increasingly to dominate presidential election campaigns. Its influence is felt in three separate, but related areas: paid political advertising, news coverage, and candidate debates.

### **Paid Advertising**

Televised political advertising today comprises the largest single expense in any presidential general election campaign. In 1996, more than 60% of the money spent by the Clinton and Dole general election campaigns (by the candidates and national parties) was devoted to electronic media advertising, most all of it for television.<sup>10</sup>

Since the advent of broadcast political advertising, first on radio and later TV, candidate messages have grown progressively shorter. The standard 30-minute broadcast speech by a nominee was succeeded by the five-minute spot, which in turn has yielded to the 30- and 60-second messages most common in today's campaigns.

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<sup>9</sup> Stanley Kelly, *Professional Public Relations and Political Power* (Baltimore: Johns Hopkins Press, 1956), p. 161, 162.

<sup>10</sup> Campaign Study Group, as reported in: Ira Chinoy, "In Presidential Race, TV Ads Were Biggest '96 Cost By Far," *Washington Post*, Mar. 31, 1997, p. A19.

Televised political advertising, which has achieved a high degree of technical sophistication, generally falls into either of two categories: positive or negative. Both approaches are likely to be used, aired in different markets at different times, as dictated by the campaign plan and changing circumstances.

### ***Positive Messages***

Positive political advertising seeks to portray the candidate and issues in a favorable light. The candidate, his family, career achievements, and issue identifications are emphasized. If he is an incumbent running for reelection, the achievements of his administration are detailed. Positive campaign spots generally seek to solidify party support and attract undecided voters of either party.

### ***Negative Messages***

So-called negative, or comparative, political advertising has been used increasingly in recent years. It conveys or seeks to evoke a basically unfavorable view of the opposing candidate or party, often by means of comparison with the sponsoring candidate. Negative spots are intended to establish doubts among the public about a candidate or his policies, in hopes of persuading them to vote against that candidate or party, or not to vote at all.

### **News Coverage**

Television news is considered a vital source of free political advertising for presidential candidates. A January 2000 poll conducted for the Pew Research Center for the People and the Press reported that 75% of respondents stated that television was their main source for election campaign news.<sup>11</sup> Campaign managers seek both to keep the nominee in the spotlight and to insure that the candidate is positively portrayed. Day-to-day scheduling is now largely geared to the requirements of TV news broadcasts. Candidate appearances, often airport rallies and political speeches, are timed for inclusion in nightly network and local news broadcasts, the latter aimed at media markets in different regions. At the same time, campaign staff seek to generate large and enthusiastic crowds at these events, to convey the impression of a vital campaign effort which enjoys wide and growing support.

### **Televised Debates**

Political historians long pointed to the Lincoln-Douglas senatorial debates of 1858 as a model for issues to be discussed before the voters. In 1948, the first public debate among presidential candidates was held, between Thomas E. Dewey and Harold Stassen, a radio broadcast in connection with the Oregon Republican presidential primary. In 1952, a joint televised appearance before the League of Women Voters' national convention included several presidential candidates or their representatives, although the event did not constitute a debate. The first televised debate occurred in 1956, between contestants for the Democratic presidential nomination: Adlai Stevenson and Estes Kefauver.<sup>12</sup> The first nationally televised presidential debate among general election contenders was held in 1960, and since 1976, these events have become a regular fixture of presidential elections.

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<sup>11</sup> "Audiences Fragmented and Skeptical: The Tough Job of Communicating with Voters," The Pew Research Center for the People & the Press [<http://www.people-press.org/jan00rpt2.htm>]

<sup>12</sup> Susan A. Hellweg, Michael Pfau, and Steven R. Brydon, *Televised Presidential Debates: Advocacy in Contemporary America* (NY: Praeger, 1992), pp. 1-3.

### ***The 1960 Debates***

In 1960, proposals were advanced for a series of televised debates between the major party nominees in the general election. However, an obstacle to such debates lay in the Federal Communications Commission's (FCC) interpretation of the Federal Communications Act's "equal time" provision as it applied to political broadcast debates. Under this interpretation, TV networks would be required to give equal time to presidential candidates of the numerous minor parties if they broadcast the Kennedy-Nixon debates. In Public Law 86-677, Congress temporarily suspended the equal time rule for presidential candidates for the duration of the 1960 campaign, paving the way for four debates between John F. Kennedy and Richard M. Nixon, sponsored by the three commercial networks.

Following the 1960 campaign, the FCC returned to strict enforcement of the equal time rule. Furthermore, at least one of the major party candidates in the next three elections (Lyndon Johnson in 1964 and Richard Nixon in 1968 and 1972) expressed reluctance or unwillingness to participate in televised debates.

### ***Presidential Debates Since 1976***

Since 1976, televised debates have become a regular, expected feature of presidential campaigns, both in the primary and general elections. In 1975, the FCC reversed its longstanding interpretation of the equal time rule [Aspen Institute, 55 F.C.C.2d 697 (1975)] when it established an exemption for debates by qualified major party candidates as long as they were conducted as bona fide news events, sponsored by non-broadcast entities, and covered in their entirety.

The following year, the League of Women Voters Education Fund, a non-partisan public interest group, sponsored a series of three presidential debates between nominees Jimmy Carter and Gerald Ford, and one vice-presidential debate between their respective running mates, Walter Mondale and Robert Dole.

In 1980, President Jimmy Carter declined to participate in any debate that included Independent John Anderson, whom the League invited based on his public opinion poll standing. The Fund ultimately sponsored two debates, one in which only Anderson and Republican Ronald Reagan participated, and the second with only Carter and Reagan (Anderson no longer met the Fund's criteria by that point).

In 1983, the FCC modified its earlier ruling when it allowed broadcasters, principally the commercial networks, to sponsor debates. Through 1992, debates generally followed a familiar format: candidates appeared before a panel of journalists, made an opening statement, took questions from the panel, heard rebuttal by the opponent, and generally ended with closing statements.

In 1984, President Ronald Reagan met Democrat Walter Mondale in two debates sponsored by the Fund, while their running mates—George Bush and Geraldine Ferraro—debated in a single meeting. In 1985, in an effort to assert party control over the debates, the Chairs of the Democratic and Republican National Committees collaborated to establish a non-partisan Commission on Presidential Debates. After protracted negotiations, a 1988 agreement called for commission sponsorship of the first of two presidential debates, with the Fund sponsoring the second. Eventually, the Fund withdrew altogether, and the Commission sponsored both presidential events and the single vice presidential debate held in 1988.

Debates in 1992 were agreed to after an even longer struggle between Democrats and Republicans, with the plan featuring three presidential and one vice presidential Commission-sponsored debates and including Independents Ross Perot and James Stockdale. The Commission

experimented with different formats for each debate, including: moderator and panel of journalists (the traditional format); single moderator and audience questions; moderator and panel of journalists, each responsible for half the time; and single moderator and free-form discussion among participants.<sup>13</sup>

In 1996, Bill Clinton (D) and Bob Dole (R) debated once with a single moderator questioning them and then in a town hall meeting in which citizens posed questions. In the vice presidential debate, a single moderator questioned Democrat Al Gore and Republican Jack Kemp.

**Table 5. Nationally Televised General Election Debates: 1960-1996**

| Year | Date         | Presidential                     | Vice Presidential                  |
|------|--------------|----------------------------------|------------------------------------|
| 1960 | September 26 | Kennedy (D); Nixon (R)           |                                    |
|      | October 7    | Kennedy and Nixon                |                                    |
|      | October 13   | Kennedy and Nixon                |                                    |
|      | October 21   | Kennedy and Nixon                |                                    |
| 1976 | September 23 | Carter (D); Ford (R)             |                                    |
|      | October 6    | Carter and Ford                  |                                    |
|      | October 15   |                                  | Mondale (D); Dole (R)              |
|      | October 22   | Carter and Ford                  |                                    |
| 1980 | September 21 | Reagan (R); Anderson (I)         |                                    |
|      | October 28   | Carter (D); Reagan               |                                    |
| 1984 | October 7    | Mondale(D); Reagan (R)           |                                    |
|      | October 11   |                                  | Ferraro (D); Bush (R)              |
|      | October 21   | Mondale and Reagan               |                                    |
| 1988 | September 25 | Dukakis (D); Bush (R)            |                                    |
|      | October 5    |                                  | Bentsen (D); Quayle (R)            |
|      | October 13   | Dukakis and Bush                 |                                    |
| 1992 | October 11   | Clinton (D); Bush (R); Perot (I) |                                    |
|      | October 13   |                                  | Gore (D); Quayle;<br>Stockdale (I) |
|      | October 15   | Clinton, Bush, and Perot         |                                    |
|      | October 19   | Clinton, Bush, and Perot         |                                    |
| 1996 | October 6    | Clinton (D); Dole (R)            |                                    |
|      | October 9    |                                  | Gore (D); Kemp (R)                 |

<sup>13</sup> Richard L. Berke, "Bush and Clinton Agree on Debates; Plan to Ask Perot." *New York Times*, Oct. 3, 1992, p. 1,9.

| Year | Date       | Presidential     | Vice Presidential |
|------|------------|------------------|-------------------|
|      | October 16 | Clinton and Dole |                   |

**Sources:** Commission on Presidential Debates web site, visited Feb. 17, 2000  
[<http://www.debates.org/pages/debhis.html>].

### *Role of Televised Presidential Debates*

Televised debates now constitute one of the most important elements in presidential electoral politics. They draw what is easily the largest audience of any public activity associated with the election. The final presidential debate of the hotly contested, three-way election of 1992 was watched by an estimated 97 million TV viewers, for example.<sup>14</sup>

Candidates devote substantial time and effort in preparing for debates, as it is widely believed that their performance may significantly affect their chances of electoral success. Extensive briefings and rehearsals are conducted, to anticipate questions and issues which may be raised. Careful attention is paid to the nominee's physical appearance, in order to project an appealing, if not "presidential," image.

### **Survey Research in the Presidential Election Campaign**

The use of survey research is an integral aspect of contemporary electioneering. The public watches the fluctuations in candidate match-ups by polling organizations during the campaign, but more important to the campaigns than the "horse race" data are the tracking polls conducted on a continuing basis. These surveys, done by organizations on contract for the campaigns, are designed to identify issues of concern to potential voters, as well as to measure support for the nominee and his running mate among key demographic groups and in different geographical areas.

The tracking polls, along with even more in-depth devices like focus groups (wherein carefully selected groups of representative voters are interviewed for their reactions to the candidates and their messages), provide a source of vital information for campaigns. If support is low among particular social, economic, or ethnic groups, or in certain states, such resources as candidate appearances and political advertising are redirected and targeted to strengthen the campaign where needed. In this way, the candidates seek to change or minimize negative personal images or to emphasize their strengths and achievements, based on trends monitored often on a daily basis.

### **Election Day**

On election day, voters in the 50 states and the District of Columbia cast their ballots for electors pledged to their favored presidential and vice presidential nominees. The law establishes the first Tuesday after the first Monday in November for the choice of all federal elective officers. In the interest of convenience and economy, most states and many localities also hold elections on federal election day.

Elections for President and Vice President are held every fourth year, in years that are divisible by the number four (*i.e.* 1988, 1992 and 1996). Congressional elections are held on this day every

<sup>14</sup> Commission on Presidential Debates web site, visited Feb. 17, 2000  
[<http://www.debates.org/pages/debhis92.html>].



even-numbered year, with those in between presidential contests termed mid-term or off-year elections.

## History of Selection

The Constitution originally made no provision for election dates for presidential electors or representatives, delegating the power to establish such times to Congress. In 1845, Congress set a uniform time for holding elections for presidential and vice presidential electors, specifying that such individuals would be chosen on the first Tuesday after the first Monday in November every fourth year (5 Stat. 721). The States, however, were specifically empowered to set different times by legislation.

Maine provided the best known exception to the November practice, holding its presidential election on the first Tuesday after the first Monday in September, until 1956. This practice, sometimes regarded as a “bellwether” for the rest of the U.S. gave rise to the not always accurate phrase, “As Maine goes, so goes the Nation.” As of 1960, Maine has held its presidential election in conformity with the other states.

In 1872, Congress extended the November election day to cover Members of the House of Representatives (17 Stat. 28). In 1915, following ratification of the 17<sup>th</sup> Amendment to the Constitution (establishing direct popular election of Senators), the same date in November was also designated for Senate elections (38 Stat. 384).

## Reasons for Selection

Several reasons are traditionally cited for the selection of November as the time for federal elections. In a largely rural and agrarian America, harvesting of crops was completed by then, and farmers were able to take the time necessary to vote. Travel was also easier before the onset of winter throughout the northern part of the country.

Tuesday was chosen partly because it gave a full day’s travel time between Sunday (often strictly observed as a day of rest) and voting day. This was considered necessary when travel was either on foot or by horse, and the only polling place in most rural areas was at the county seat. The choice of Tuesday *after* the first Monday prevented elections from falling on the first day of the month, which was often reserved for court business at the county seat.

## Polling Hours

Voting hours are regulated by the states. Current polling hours in the 50 states and the District of Columbia, arranged alphabetically by time-zone, are illustrated below. States which fall into two time-zones are denoted by an asterisk (\*). The polling hours are local time in each zone, except as noted.

**Table 6. Polling Hours in the States and District of Columbia<sup>1</sup>**

| State      | Polls Open              | Polls Close              | Time Zone |
|------------|-------------------------|--------------------------|-----------|
| Alabama    | no later than 8:00 a.m. | 6-8:00 p.m. <sup>2</sup> | Central   |
| Alaska     | 7:00 a.m.               | 8:00 p.m.                | Alaska    |
| Arizona    | 6:00 a.m.               | 7:00 p.m.                | Mountain  |
| Arkansas   | 7:30 a.m.               | 7:30 p.m.                | Central   |
| California | 7:00 a.m.               | 8:00 p.m.                | Pacific   |



| State                | Polls Open   | Polls Close              | Time Zone |
|----------------------|--------------|--------------------------|-----------|
| Colorado             | 7:00 a.m.    | 7:00 p.m.                | Mountain  |
| Connecticut          | 6:00 a.m.    | 8:00 p.m.                | Eastern   |
| Delaware             | 7:00 a.m.    | 8:00 p.m.                | Eastern   |
| District of Columbia | 7:00 a.m.    | 8:00 p.m.                | Eastern   |
| Florida *            | 7:00 a.m.    | 7:00 p.m.                | Eastern   |
| Georgia              | 7:00 a.m.    | 7:00 p.m.                | Eastern   |
| Hawaii               | 7:00 a.m.    | 6:00 p.m.                | Hawaii    |
| Idaho                | 8:00 a.m.    | 8:00 p.m.                | Mountain  |
| Illinois             | 6:00 a.m.    | 7:00 p.m.                | Central   |
| Indiana *            | 6:00 a.m.    | 6:00 p.m.                | Eastern   |
| Iowa                 | 7:00 a.m.    | 9:00 p.m.                | Central   |
| Kansas *             | 6-7:00 a.m.  | 7-8:00 p.m. <sup>3</sup> | Central   |
| Kentucky *           | 6:00 a.m.    | 6:00 p.m.                | Eastern   |
| Louisiana            | 6:00 a.m.    | 8:00 p.m.                | Central   |
| Maine                | 6-10:00 a.m. | 8:00 p.m.                | Eastern   |
| Maryland             | 7:00 a.m.    | 8:00 p.m.                | Eastern   |
| Massachusetts        | 7:00 a.m.    | 8:00 p.m.                | Eastern   |
| Michigan             | 7:00 a.m.    | 8:00 p.m.                | Eastern   |
| Minnesota            | 7:00 a.m.    | 8:00 p.m.                | Central   |
| Mississippi          | 7:00 a.m.    | 7:00 p.m.                | Central   |
| Missouri             | 6:00 a.m.    | 7:00 p.m.                | Central   |
| Montana              | 7:00 a.m.    | 8:00 p.m. <sup>4</sup>   | Mountain  |
| Nebraska *           | 8:00 a.m.    | 8:00 p.m.                | Central   |
|                      | 7:00 a.m.    | 7:00 p.m.                | Mountain  |
| Nevada               | 7:00 a.m.    | 7:00 p.m.                | Pacific   |
| New Hampshire        | 11:00 a.m.   | 7:00 p.m. <sup>5</sup>   | Eastern   |
| New Jersey           | 7:00 a.m.    | 8:00 p.m.                | Eastern   |
| New Mexico           | 7:00 a.m.    | 7:00 p.m.                | Mountain  |
| New York             | 6:00 a.m.    | 9:00 p.m.                | Eastern   |
| North Carolina       | 6:30 a.m.    | 7:30 p.m.                | Eastern   |
| North Dakota         | 7-9:00 a.m.  | 7-9:00 p.m. <sup>6</sup> | Central   |

| State          | Polls Open                            | Polls Close            | Time Zone |
|----------------|---------------------------------------|------------------------|-----------|
| Ohio           | 6:30 a.m.                             | 7:30 p.m.              | Eastern   |
| Oklahoma       | 7:00 a.m.                             | 7:00 p.m.              | Central   |
| Oregon         | 7:00 a.m.                             | 8:00 p.m.              | Pacific   |
| Pennsylvania   | 7:00 a.m.                             | 8:00 p.m.              | Eastern   |
| Rhode Island   | 6-9:00 a.m.                           | 9:00 p.m.              | Eastern   |
| South Carolina | 7:00 a.m.                             | 7:00 p.m.              | Eastern   |
| South Dakota   | 7:00 a.m.                             | 7:00 p.m.              | Mountain  |
|                | 8:00 a.m.                             | 8:00 p.m.              | Central   |
| Tennessee *    | no standard opening <sup>7</sup> time | 7:00 p.m.              | Central   |
|                |                                       | 8:00 p.m.              | Eastern   |
| Texas          | 7:00 a.m.                             | 7:00 p.m.              | Central   |
| Utah           | 7:00 a.m.                             | 8:00 p.m.              | Mountain  |
| Vermont        | 6-10:00 a.m.                          | 7:00 p.m.              | Eastern   |
| Virginia       | 6:00 a.m.                             | 7:00 p.m.              | Eastern   |
| Washington     | 7:00 a.m.                             | 8:00 p.m.              | Pacific   |
| West Virginia  | 6:30 a.m.                             | 7:30 p.m.              | Eastern   |
| Wisconsin      | 7-9:00 a.m.                           | 8:00 p.m. <sup>8</sup> | Central   |
| Wyoming        | 7:00 a.m.                             | 7:00 p.m.              | Mountain  |

\* States located in two time zones, listed under the eastern most time zone.

<sup>1</sup> Local time, except as noted in states which are split between time zones.

<sup>2</sup> Polls must be open 10 consecutive hours.

<sup>3</sup> Polls must be open at least 12 consecutive hours between 6:00 a.m. and 8:00 p.m.

<sup>4</sup> Polling places with fewer than 200 registered voters may be open from noon-8:00 p.m., or until all registered electors have voted.

<sup>5</sup> All polling places open not later than 11:00 a.m. and close not earlier than 7:00 p.m. In cities, the city council sets polling hours at least 30 days prior to the State election day.

<sup>6</sup> In precincts where less than 75 votes were cast in the previous election, polls may open at noon.

<sup>7</sup> Polls must be open for at least 10 hours.

<sup>8</sup> Polls open at 7:00 a.m. in 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> class cities; in 4<sup>th</sup> class cities, towns, and villages, the polls may open between 7:00 a.m. and 9:00 a.m.

**Source:** The Council of State Governments, *The Book of the States*, 1998-99 edition (Lexington KY, 1998), p. 163.

## V. Electoral College and Inauguration

### Electoral College

When voters go to the polls on election day, they actually cast their votes for a slate of electors, who are entrusted by the Constitution with election of the President and Vice President. The electors are known collectively as the electoral college.<sup>15</sup>

### The Electoral College in the Constitution

The question of the manner in which the President was to be elected was debated at great length at the Constitutional Convention of 1787. At one point, the delegates voted for selection by Congress; other proposals considered were for election by: the people at large; governors of the several states; electors chosen by state legislatures, and a special group of Members of Congress chosen by lot. Eventually, the matter was referred to a “committee on postponed matters,” which arrived at a compromise: the electoral college system.

### Size of the Electoral College and Allocation of Electoral Votes

The electoral college, as established by the Constitution and modified by the 12<sup>th</sup> and 23<sup>rd</sup> Amendments, currently includes 538 members: one for each Senator and Representative, and three for the District of Columbia (under the 23<sup>rd</sup> Amendment of 1961). It has no continuing existence or function apart from that entrusted to it.

Each state has a number of electoral votes equal to the combined numerical total of its Senate and House delegation. Since the size of state delegations in the House of Representatives may change after the reapportionment mandated by the decennial census, the size of state representation in the electoral college has similarly fluctuated. The most recent House reapportionment and reallocation of electoral votes followed the 1990 census, in effect for the 1992, 1996 and 2000 presidential elections. Current electoral vote allocations are listed in table 7.

### Qualifications for the Office of Elector

Article II, section 1 of the Constitution provides that, “No Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.” Aside from this disqualification, any person is qualified to be an elector for President and Vice President.

**Table 7. Electoral Votes by State: 1992-2000**

| State      | No. | State         | No. | State        | No. |
|------------|-----|---------------|-----|--------------|-----|
| Alabama    | 9   | Kentucky      | 8   | North Dakota | 3   |
| Alaska     | 3   | Louisiana     | 9   | Ohio         | 21  |
| Arizona    | 8   | Maine         | 4   | Oklahoma     | 8   |
| Arkansas   | 6   | Maryland      | 10  | Oregon       | 7   |
| California | 54  | Massachusetts | 12  | Pennsylvania | 23  |

<sup>15</sup> For additional information on the contemporary role of the electoral college, see CRS Report RS20273, *The Electoral College: How it Operates in Contemporary Presidential Elections*.

| State                | No.        | State                         | No.        | State          | No. |
|----------------------|------------|-------------------------------|------------|----------------|-----|
| Colorado             | 8          | Michigan                      | 18         | Rhode Island   | 4   |
| Connecticut          | 8          | Minnesota                     | 10         | South Carolina | 8   |
| Delaware             | 3          | Mississippi                   | 7          | South Dakota   | 3   |
| District of Columbia | 3          | Missouri                      | 11         | Tennessee      | 11  |
| Florida              | 25         | Montana                       | 3          | Texas          | 32  |
| Georgia              | 13         | Nebraska                      | 5          | Utah           | 5   |
| Hawaii               | 4          | Nevada                        | 4          | Vermont        | 3   |
| Idaho                | 4          | New Hampshire                 | 4          | Virginia       | 13  |
| Illinois             | 22         | New Jersey                    | 15         | Washington     | 11  |
| Indiana              | 12         | New Mexico                    | 5          | West Virginia  | 5   |
| Iowa                 | 7          | New York                      | 33         | Wisconsin      | 11  |
| Kansas               | 6          | North Carolina                | 14         | Wyoming        | 3   |
| <b>Total:</b>        | <b>538</b> | <b>Required for Election:</b> | <b>270</b> |                |     |

**Source:** U.S. Library of Congress, Congressional Research Service, *Electoral Votes Based on the 1990 Census*, by David C. Huckabee, CRS Report 91-809 GOV (Washington, November 19, 1991), pp. 2-3.

## Nomination of Elector Candidates

The Constitution does not specify procedures for the nomination of candidates for the office of presidential elector. The states have adopted various methods of nomination for elector candidates, of which the two most popular are by state party convention, used in 36 states, and by state party committee, used in 10 states. In practice, elector candidates tend to be prominent state and local officeholders, party activists, and other citizens associated with the party which they are nominated.

A list of elector candidates and those chosen as electors in each state may be obtained from the Secretaries of State (Commonwealth), at the state capital. Lists of electors for 1992 and 1996 and other related information may be obtained from the National Archives and Records Administration's electoral college home page at:

[<http://www.nara.gov/fedreg/ec-hmpge.html>].

## Selection of Electors

The Constitution left the method of selecting electors and of awarding electoral votes to the States. In the early years of the Republic, many states provided for selection of electors by the state legislatures. Since 1864, all states have provided for popular election of electors for President and Vice President.

According to practices adopted universally by the states beginning early in the 19<sup>th</sup> century, popular votes are cast for a unified ticket of party candidates for President and Vice President. This insures that they will be of the same party, avoiding a source of potential partisan divisiveness in the executive branch.

### ***General ticket system***

In 48 states and the District of Columbia, all electoral votes are awarded to the slate that receives a plurality of popular votes in the state. This practice is variously known as the general ticket or winner-take-all system.

The general ticket system usually tends to exaggerate the winning candidates' margin of victory, as compared with the share of popular votes received. For instance, in 1996, Bill Clinton and Al Gore won 49.2% of the popular vote, as compared with 40.7% by Bob Dole and Jack Kemp. The Democrats' electoral vote margin of 379 to 159 was a much higher 70.4% of the total, due to the fact that the Democratic ticket received a plurality vote in 32 States and the District of Columbia.

### ***District system***

Currently, Maine and Nebraska provide the only exception to the general ticket method, awarding one electoral vote to the ticket gaining the most votes in each of their congressional districts, and awarding the remaining two (representing their senatorial allotment) to the winners of the most votes statewide. This variation, more widely used in the 19<sup>th</sup> century, is known as the district system.

### **The Faithless Elector**

The founding fathers intended that individual electors be free agents, voting for the candidates they thought most fit to hold office. In practice, however, electors are not expected to exercise their own judgment, but, rather, to ratify the people's choice by voting for the candidates winning the most popular votes in their state. Despite this understanding, there is no constitutional provision requiring electors to vote as they have pledged. Over the years, a number of electors have voted against the voters' instructions, known as the phenomenon of the unfaithful, or faithless, elector.

Although a number of states have laws which seek to bind the electors to the popular vote winners, the preponderance of opinion among constitutional scholars holds that electors remain free agents. Moreover, all of the seven votes of the faithless electors between 1948 and 1988 were recorded as cast.<sup>16</sup> The most recent occurrence was in 1988, when a West Virginia Democratic elector voted for Lloyd Bentsen for President and Michael Dukakis for Vice President.

### **Winning the Presidency**

The 12<sup>th</sup> Amendment of the Constitution requires that winning candidates receive an absolute majority of electoral votes (currently 270 of the 538 total).

### **Counting the Electoral Votes**

Once the voters have chosen the members of the electoral college, the electors meet to ratify the popular choices for President and Vice President. The Constitution provides (again, in the 12<sup>th</sup> Amendment) that they assemble in their respective states. Congress has established (in 3 U.S.C. §8) the first Monday after the second Wednesday in December following their election as the date for casting electoral votes, at such place in each state as the legislature directs.

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<sup>16</sup> Neal Peirce and Lawrence D. Longley, *The People's President*, rev. ed. (New Haven CT: Yale University Press, 1981), p. 98-101. The vote of the "faithless elector" in 1988 (see below) was also recorded as cast.

In practice, the electors almost always meet in the state capital, usually at the State House or Capitol Building, often in one of the legislative chambers. The votes are counted and recorded, the results are certified by the Governor and forwarded to the President of the U.S. Senate (the Vice President).

The electoral vote certificates are opened and counted at a joint session of the Congress, held, as mandated (3 U.S.C. §15), on January 6 following the electors' meeting (or, by custom, on the next day, if it falls on a Sunday); the Vice President presides. Electoral votes are counted by the newly elected Congress, which convenes on January 3. The winning candidates are then declared to have been elected.

## Minority Presidents

A major criticism of the electoral college is that it could deny victory to the candidate with the most popular votes, which can occur when one ticket wins the requisite majority of electors but gets fewer popular votes than its opponent(s).

Popular vote winners have failed to win the Presidency on three occasions since adoption of the 12<sup>th</sup> Amendment: in 1824, 1876, and 1888. In 1824, the electoral vote was split among four candidates, necessitating election by the House of Representatives, which chose the popular vote runner-up. In 1876, due to contested returns from four states, Congress set up an electoral commission, which awarded the disputed votes to the apparent popular vote runner-up, resulting in a one-vote margin in the electoral college. In 1888, the apparent popular vote runner-up won a comfortable electoral college majority. Electoral college 'misfires' are listed below.

**Table 8. Presidents Elected Without A Plurality of the Popular Vote**

| Year              | Candidates            | Party | Popular Vote | Electoral Vote |
|-------------------|-----------------------|-------|--------------|----------------|
| 1824 <sup>1</sup> | Andrew Jackson        | D-R   | 152,933      | 99             |
|                   | John Quincy Adams *   | D-R   | 115,696      | 84             |
|                   | William H. Crawford   | D-R   | 46,979       | 41             |
|                   | Henry Clay            | D-R   | 47,136       | 37             |
| 1876              | Samuel J. Tilden      | D     | 4,287,670    | 184            |
|                   | Rutherford B. Hayes * | R     | 4,035,924    | 185            |
| 1888              | Grover Cleveland      | D     | 5,540,365    | 168            |
|                   | Benjamin Harrison *   | R     | 5,445,269    | 233            |

\* Elected

D-R = Democratic Republican; D = Democratic; R = Republican.

<sup>1</sup> Popular returns for 18 states; in 6 states, electors were appointed by the state legislatures.

**Source:** Peirce and Longley. *The People's President*, p. 241-242.

## Electoral Contingencies

### Electoral College Deadlock

The Constitution, in the 12<sup>th</sup> Amendment, provides for cases in which no slate of candidates receives the required electoral college majority, a process usually referred to as contingent election. Under these circumstances, the House of Representatives elects the President, choosing from among the three candidates receiving the most electoral votes, with each state casting a single vote.<sup>17</sup>

In the course of the usual presidential election, in which only the two major party candidates have a chance of victory, such occurrences are extremely unlikely. In those elections characterized by the emergence of a strong third party candidate (George Wallace in 1968, John Anderson in 1980, and H. Ross Perot in 1992), electoral college deadlock is possible. Only once since adoption of the 12<sup>th</sup> Amendment, in the four-candidate election of 1824, was the President—John Quincy Adams—elected by the House of Representatives.

If there is no electoral vote majority, election of Vice President is entrusted to the Senate, with each member casting one vote, choosing from the two candidates with the most electoral votes. Only once, in 1837, did the Senate so elect a Vice President—Richard M. Johnson. Although Democratic presidential nominee Martin Van Buren won a clear electoral college majority, votes were cast for two Democratic vice presidential candidates, yielding a three-way contest requiring Senate resolution.

In the event contingent election is necessary, the House has two weeks between counting the electoral votes (January 6) and Inauguration Day (January 20) in which to elect a President. If it is unable to do so during this time, the Vice President-elect, assuming one has been chosen by the electors or the Senate, serves as acting President until the House resolves its deadlock. In the event the Senate has been similarly unable to elect a Vice President, the Speaker of the House of Representatives serves as Acting President until a President or Vice President is elected, but he must resign the offices of both Speaker and Representative in order to so serve. In the event there is no Speaker, or the Speaker fails to qualify, then the President Pro-tempore of the Senate (the longest serving Senator of the majority party) becomes Acting President, under identical resignation requirements.

### Death of a Candidate

#### *Before December meeting of electors*

In the event a presidential or vice presidential candidate of either party dies or resigns between the convention and the meeting of electors in December, the rules of the major parties provide that their national committees shall meet and fill the vacancy. In the Democratic Party, the replacement nominee is approved by a *per capita* vote of the members of the national committee. For the Republicans, each state delegation to the national committee casts a number of votes equal to its delegation to the national convention.<sup>18</sup>

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<sup>17</sup> For additional information on contingent election, see CRS Report RS20300, *Election of the President and Vice President by Congress: Contingent Election*.

<sup>18</sup> Democratic National Committee. *Rules of Procedure for Filling a Vacancy on the National Ticket*; Rule 27 of the Republican Party.

In 1972, the Democratic National Committee selected R. Sargeant Shriver as vice presidential nominee, to replace Senator Thomas Eagleton, who resigned as nominee after the national convention. The Republicans most recently replaced a candidate on the national ticket in 1912, when Vice President James S. Sherman died on October 30. Meeting after the election, the Republican National Committee elected Nicholas M. Butler to receive Republican electoral votes for Vice President.

### ***Between December and January 6***

If there is a vacancy due to the death of the President-elect after the electoral votes have been cast in the states, most authorities maintain that the provisions of the 20<sup>th</sup> Amendment apply: Section 3 specifies that the Vice President-elect becomes President-elect in these circumstances. Some observers, however, maintain that there is no President-elect until the electoral votes are counted by Congress on January 6 of the following year, and that since no *living* candidate received a majority of electoral votes, then the House would elect the President, and the Senate, the Vice President.<sup>19</sup> Other sources dispute this inference, however, maintaining that Congress “has no choice but to count all the ballots provided the ‘person’ voted for was alive at the time they were cast.”<sup>20</sup> Moreover, this interpretation is corroborated by the House report accompanying the 20<sup>th</sup> Amendment, which states that “the votes, under the above circumstances, must be counted by Congress . . . . Consequently, Congress would declare that the deceased candidate had received a majority of the votes.”<sup>21</sup> The balance of opinion and precedent thus suggests that electoral votes cast for a deceased candidate would be valid, provided they were cast when the candidate was living.

A final question is whether these provisions would apply if a winning presidential candidate withdrew from consideration after the electoral votes were cast, but before they were counted, as the 20<sup>th</sup> Amendment cites only the case of a candidate’s death. Would Congress count the votes, proclaim the results, and then have the option to declare the position of President-elect vacant? If so, it is then arguable whether the Vice President-elect would become President-elect. On the other hand, it can also be argued that Section 3 of the 20<sup>th</sup> Amendment provides only for cases in which a President-elect has died, and would not cover other circumstances. In this case, it could be argued that sentence 2 of Section 3 would apply:

If a President shall not have been chosen before the time fixed for the beginning of his term or if the President elect shall have failed to qualify (emphasis added), then the Vice President elect shall act as President until a President shall have qualified.

Under these circumstances, the Vice President-elect would serve only as acting President. While the differences in these two situations may seem to be a “difference without a distinction,” it can be argued that it is preferable for the nation to have a duly inaugurated President serving a full term to an acting President whose term of office and constitutional status are largely undefined. This question would appear to merit further legal and constitutional study.

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<sup>19</sup> Walter Berns, ed., *After the People Vote: A Guide to the Electoral College* (Washington: AEI Press, 1992), p. 27,28.

<sup>20</sup> John D. Feerick, *From Failing Hands: The Story of Presidential Succession*, (NY: Fordham Univ. Press, 1965), p. 274.

<sup>21</sup> U.S. Congress, House, Committee on Election of President and Vice President, and Representatives in Congress, *Proposing an Amendment to the Constitution of the United States*, 72<sup>nd</sup> Cong., 1<sup>st</sup> sess., H.Rept. 72-345 (Washington: GPO, 1932), p. 5.



### ***Between January 6 and January 20***

If a winning presidential candidate dies *after* Congress has counted the electoral vote, the Vice President-elect becomes President-elect, under the provisions of the 20<sup>th</sup> Amendment. The new President would then be empowered, under the 25<sup>th</sup> Amendment, to nominate a person to fill the consequent vacancy in the Vice Presidency. If *both* the President and Vice President-elect die before the inauguration, but after the electoral votes are counted, Congress is then empowered (by the 20<sup>th</sup> Amendment) to provide by law who shall act as President, or the manner in which a President is to be selected.

## **Inauguration**

Although the President and Vice President were inaugurated on March 4 of the year after their election from 1789 to 1933, the 20<sup>th</sup> Amendment, ratified in 1933 and effective in 1937, changed the commencement date of the presidential term of office to January 20. The purpose of this change, which also moved the start of the congressional term from March 4 to January 3, was to shorten the time between election and inauguration, to eliminate “lame duck” sessions of Congress, in which defeated and retired members had regularly met for a final session after the election.

### **Sunday Inaugurals**

In a tradition dating to the 19<sup>th</sup> century, Presidents are not publicly inaugurated on Sundays. When January 20 falls on that day, a brief private inauguration is held, usually in the East Room of the White House, with a public ceremony the next day. This occurred most recently in 1985, when President Ronald Reagan was privately installed for his second term on Sunday, January 20, and publicly inaugurated on Monday, January 21. Inauguration Day next falls on a Sunday in the year 2013.

### **Location of the Inauguration Ceremonies**

In a tradition dating to Andrew Jackson’s first inaugural in 1829, Presidents were previously installed at outdoor ceremonies at the East Front of the U.S. Capitol (facing the Supreme Court). Vice Presidents were customarily sworn in the Senate Chamber until 1933, when the two ceremonies were held jointly for the first time, a practice which continues.

On seven occasions since 1837, the presidential inaugural has been held elsewhere than the East Front. In 1909, due to inclement weather, William Howard Taft was installed in the Senate Chamber; in 1945, in consideration of the President’s health and wartime security demands, Franklin D. Roosevelt was sworn in for his fourth term on the South Portico of the White House; in 1981, 1989, 1993, and 1997, Ronald Reagan, George Bush, and Bill Clinton were inaugurated at the West Front of the Capitol (facing the Mall); and in January 1985, due to inclement weather, President Reagan was publicly installed for his second term in the Capitol Rotunda. The West Front venue appears to have gained wide acceptance since 1981, and may be expected to continue to be the site of future inaugurals, barring unforeseen circumstances.

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